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ABSTRACT

This report describes a two-year project designed to assist local groups engaged in exploring alternatives to traditional modes of teacher contract negotiation. The project aimed to identify and increase effective citizen participation in educational collective bargaining. Chapter 1 of the report focuses on the struggle toward more balanced educational collective bargaining in New York City. Chapter 2 deals with the citizen's role in collective bargaining in California. Chapter 3 discusses the fight for citizen involvement in collective bargaining in San Diego. In chapter 4, the Cupertino, California, collective bargaining project is described, and chapter 5 details the methodology and results of the citizen action research project carried on in Cupertino. The final section of the report identifies some of the pivotal issues related to citizen participation in educational decision-making. (Author/JM)

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FOREWORD

The Institute for Responsive Education was formed in 1973 as a non-profit corporation to encourage citizen participation in educational decisionmaking. In the very early stages of agenda-setting for the Institute, both the Board of Directors and the staff came to recognize that the present bilateral mode of collective bargaining practiced widely in the public sector, especially in education, was a critical barrier to citizen participation in school decisionmaking.

One of the Institute's first projects was the organization of a small task force to study the topic under the direction of Professor Seymour Sarason of Yale University. The work of the task force was reported in January 1975 in an IRE publication, The Community at the Bargaining Table. In the first section, Professor Sarason explored the problem of representation in bargaining and described ways in which the application of the private sector bargaining model limited public participation in educational decisions. In the second section, members of the field team drew on interviews with sixty interviewees to identify obstacles to increasing public participation in bargaining. The final sections outlined five proposals for changing current collective bargaining patterns: 1) increasing board responsiveness through more effective two-way communication; 2) adopting multi-level bargaining procedures in which a master contract would be supplemented by local school negotiations; 3) developing models of multi-party bargaining with community or parent representatives participating in negotiations; 4) creating an ombudsman role to protect the interests of the public and the students; 5) limiting the scope of bargaining to set educational policy issues outside the negotiating process.

The report of the small, six-month study was exploratory and tentative rather than definitive or comprehensive; it was designed to stimulate further analysis, debate and action. In 1976, the New World Foundation provided support for a two-year effort to continue that debate and to work with local groups engaged in exploring alternatives to traditional modes of negotiation. This volume reports the results of that project.

Action Research with Four Citizen Organizations

The project aimed to identify and increase effective citizen participation in educational collective bargaining. In designing the action research studies, three main criteria were used to select sites: (1) the existence of a local group already working on collective bargaining in education; (2) willingness and ability of local organizations to form a working coalition with other community groups; (3) a commitment to share their experiences with the Institute for Responsive Education. IRE provided the local organizations with materials, staff help, training and limited funding. This assistance was designed to help local organizations examine current practices and opinions; determine the local conditions necessary for change; organize conferences, forums and consciousness-raising activities; stimulate media coverage; formulate and advance proposals for change in policy and practices; and, develop strategies for follow-up.

In addition, an effort was made to represent two different stages of development. We searched for a community with considerable experience. New York City was an obvious choice because the shape of much current educational collective bargaining was influenced by events in New York City. Despite skepticism due in part to New York City's fiscal crisis, we saw a possibility to learn, and eventually influence, such bargaining. Teaming up with a Joint Task Force of the Public Education Association (PEA)

and the United Parents Association (UPA) had particular significance not only because our mutual interests matched, but also because of the past history of these two organizations. Both PEA and UPA have been, and still are, frequent supporters of teachers' rights. They have supported higher pay for teachers, merit systems and the right of teachers to bargain collectively. When the IRE project began, both organizations were concerned with balancing the education bargaining scale; they sought to represent the consumer interest more effectively.

At the same time, we searched for a community that was relatively new to the collective bargaining experience. We were interested in a community that was not only young in experience but somewhat innovative. Two state-level possibilities emerged--Florida and California. Both states had recently enacted collective bargaining legislation and both had a type of Sunshine Law--collective bargaining in the open as opposed to in secret. Of the two states, California seemed to hold more promise for our effort because California's League of Women Voters (LWV) had established a statewide network to support the public notice provision of the new Educational Employment Relations Act (EERA). We saw the possibility of gathering information and experience from various communities' efforts to implement the new law. Working with both local community leadership and that of a statewide network, we selected two communities, San Diego and Cupertino. San Diego is a large southern California city, while Cupertino is a smaller northern California suburb. We also worked closely with the leadership of the League's statewide network.

This report grew out of our work with the three New York and California communities and the California statewide network. Each study was prepared by one or more participants from each site and each is a detailed account of what transpired in the field. The accounts differ, but they all focus on citizen participation in collective bargaining.

United Parents Association and Public Education Association, New York City, New York

The Public Education Association (PEA) and the United Parents Association (UPA) organized a city-wide Task Force on Collective Bargaining to push for the establishment of a more balanced system of bargaining.

After reviewing some of the city's unique history with educational collective bargaining, and documenting the imbalance in existing power relationships, the authors comment on the special problems of the city's fiscal crisis, its relation to public sector collective bargaining, and the growing citizen awareness of public sector collective bargaining in general and educational collective bargaining in particular. Their unambiguous description of educational collective bargaining as a political process may well be their most pointed contribution. The New York City experience shows that bargaining is not just a system of compromise and negotiations; there is also strong evidence that collective bargaining is a matter of power politics.

David Seeley, Director of PEA, and Helen Heller, Director of UPA, outline the Task Force's experience with citizen representation at the bargaining table, its preparation for the 1978 teacher negotiations and its design for a new model of educational collective bargaining in New York City. Although the New York City effort is specific to the circumstances of the country's largest public school system, the lessons and experiences of the Task Force have value for all concerned with collective bargaining in education.

California Statewide Network of the California League of Women Voters

A review of the California Educational Employment Relations Act (Rodda Act) and the role citizens

played in the adoption of the Act was written by Jackie Berman, coordinator of the California statewide network. An important aspect of that statewide citizens' networking effort was, and continues to be, information collecting and sharing within the network. The keynotes of this case study are: consideration of local flexibility versus standardized implementation of requirements; and, analysis of practices that go beyond the minimal legal requirements.

Leaders in this network have established citizens as a party of interest with the Public Employment Relations Boards. This legitimation of citizen interests has set a trend in efforts to obtain citizen access to the collective bargaining process.

Citizen Participation in San Diego Collective Bargaining

The description of relations between San Diego citizens, elected members of the local school board and the San Diego Unified School District's administration illuminates obstacles that arise between school boards and representatives of citizen interests in collective bargaining. Janet Chrispeels, project director for the League of Women Voters/IRE Project in San Diego, details how other major education issues, such as a desegregation court order, can preclude citizen concentration on bargaining.

The cooperation between teachers and citizens in San Diego upsets commonly held beliefs that citizens and teachers must be on opposite sides of the fence. This cooperation contrasts with her definite examples of resistance to public involvement by the San Diego Board of Education and the school administration.

The description of critical events in the San Diego teachers' strike, representative of occurrences in many school strikes, contributes an understanding of citizen needs at the time of a strike. This case study realistically discloses the nuts and bolts of participation.

Action Research Project in Collective Bargaining, Cupertino, California

The Cupertino League of Women Voters initiated a communitywide coalition for citizen participation in educational collective bargaining to monitor negotiations in the Cupertino School District. Roberta Hollimon, project director for Cupertino, specified how the negotiations impasse and probability of a strike motivated the coalition to study bargaining. This study led to a recognition of citizen exclusion from the collective bargaining process. Cupertino, a fairly affluent, largely white and middle-class school district, is troubled with the same problems in educational collective bargaining that face metropolitan cities.

The Cupertino field study chronicles the experience of a citizen action research project. Charles Cheng worked with the coalition in designing, implementing and analyzing the data from their action research project. He details the methodology and results of the study in Chapter Five, a compilation of the California case studies. The data collection and analysis formed the basis for the coalition's future work. The study's results encouraged a dialogue between members of the Cupertino educational community, a dialogue which involved many citizens. The process and outcomes of the community action research effort demonstrate a method of citizen participation which can lead to access to and influence on the bargaining process.

The final section of this report offers an external review by Ron Edmonds, recently appointed Special Assistant to the Chancellor of New York City's Board of Education. He is also a Lecturer and Research Associate at the Harvard University Graduate School of Education. In his faculty position, Mr. Edmonds has critically examined some of the pivotal issues related to citizen participation in educational decisionmaking. Given the intricate and complex problems associated with collective bargaining, such critique and debate is essential to the task of

forging inventive yet realistic ways of thinking about public participation in policy decisions.

Collective bargaining will remain an integral part of the American educational scene for years to come, and it must be remembered that historically teachers have been at the bottom rung in school systems. Teachers chose bargaining as a tool to enhance their salary and working conditions. The emergence of bargaining and the growth of the AFT and NEA have changed the historically oppressed condition of teachers. But, we have the right to hope that teachers' unions, which are now basically politically secure, will initiate concrete steps not only to serve their paid membership, but to serve the clients of the schools--children. And, we ask the same of the school board and its negotiators.

We have tried to point out ways in which parents and citizens can participate in one important area of school decisionmaking. We are convinced that only active citizens, who take on the responsibility of forcing the present bargaining parties to be accountable, can move to a position of power to negotiate on behalf of the consumer. Yet, in the end, we are advocates of working coalitions at the school level, and we agree with Joseph Featherstone who noted in an earlier IRE publication:

> Our reform history is not promising. Perhaps we can transcend it. My own feeling is that the more internally democratic--participatory, if you will--the unions are, and the more they think in terms of alliances with parents and principals at the individual school level, the more promising the future will be.*

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* Don Davies, ed., Schools Where Parents Make A Difference (Boston: Institute for Responsive Education, 1976), p. 20.

If our system of public education is going to do more than merely serve the professionals and the most fortunate in this society, then we are convinced that we must transcend our reform history. Such a task is a demanding one, but the effort must be put forth.

We wish to express our thanks to the New World Foundation, and in particular to Mr. David Ramage, for support and encouragement during this project and for sustained interest in the critical issues surfaced here.

Irving Hamer
Charles Cheng
Melanie Barron

INTRODUCTION

Don Davies

Two important parts of the two-century-old American civil rights movement collide in the topic of citizen participation in educational collective bargaining. The first is the continuing effort of citizens to exercise control of the public schools, traditionally community institutions subject to varying degrees of community influence. The second is the struggle of workers to improve their collective economic, political and social conditions and to control the conditions of their work.

In education, both movements have flourished dramatically in the past two decades. Citizens have sought and found various avenues to participate in shaping school policies. School employee unions--especially teachers' organizations--have become powerful. These movements and the collision between them present complex new pressures and challenges for school officials--school board members and school managers--and require changes in the traditional ways school decisions are made.

This report describes a variety of approaches citizen groups are using to work their way through problems created by this collision of forces. It reviews the historical and cultural backgrounds of citizen participation and labor movements and highlights some of the critical issues at stake.

SOCIAL CHANGE: ACTION IN THE SCHOOLS

Public school governance has always been highly political because nearly all policy decisions about public education reflect important economic, social and cultural choices. As public institutions, schools create jobs and financial benefits for the

community as well as political visibility and advancement for educators, union leaders and school board members. In addition to affecting the well-being and development of children, schools make an impact on the structure of the labor supply by influencing which groups will be prepared for what kinds of jobs. Furthermore, curriculum decisions represent important ideological and cultural positions and selected social values. Directly or indirectly, curriculum decisions determine which group's histories and cultures will be legitimated and which will be repressed.

For most of the first half of the 19th century, public schools were controlled by free, white males; they reflected the rigid social values of that community.[1] During the last half of the century, industrialization brought millions of European immigrants and rural residents to the cities. The population explosion in the cities produced serious social problems and public service agencies turned to bureaucratic specialization to address those problems. In education, a persistent nationwide effort to "reform" urban and rural schools emerged, spurred largely by academic and business leaders and Yankee middle-class reformers. Their watchwords were: consolidation, modern management techniques and efficiency. For many businessmen and politicians, more efficient schooling was a way to speed up industrialization and economic development. Others saw well-managed schools as instruments to create social stability, prevent disorder and racial-ethnic conflict, Americanize immigrant children and improve child welfare.

The 19th Century Struggle for Community Control

The new immigrant groups challenged the move toward standardization and control by the Yankee middle-class elite. As immigrants grew in numbers, developed voting strength with effective political leadership and assumed major (at times controlling) roles in political parties, they resisted the WASP-

led drive toward culturally neutral, homogeneous schooling.

The early experiences of Irish Catholics in New York in the 1840's illustrate the recurring tensions of homogeneity-pluralism, nativist-newcomer, centralization-decentralization and church-state issues. They challenged textbook selection, teacher insensitivity and the general school environment. In 1842 their fight for control led the New York legislature to adopt a decentralization law under which "each ward in New York was for educational purposes treated as a separate town."[2]

Toward the end of the century, however, upper-class Yankee educational activists saw that their efforts to "reform" education would only succeed if they could control the schools politically. Their strategy shifted from efforts to improve curriculum and increase efficiency to "reform" and control the structure of school governance.[3]

During the 19th and early 20th centuries, political reform objectives in nearly every city in the North, Midwest and West followed similar patterns: reduce school board size; elect school board members by district rather than ward or shift to judicial appointment rather than election; centralize decisionmaking in district offices; replace election of superintendents with selection by boards; grant superintendents increasing authority; and give school districts fiscal autonomy from municipal governments.

During this period, several related developments shaped the configuration of school populations. Mounting pressure to stem the flow of newcomers led to the Immigration Restriction Act of 1923 even as an intense national program for "Americanization" mobilized business and industrial as well as educational agencies to erase language differences and ethnic distinctions. Several other moves contributed to social stratification in schools: Plessy v.

Ferguson insured that black students would remain in separate facilities; Catholic parents, seeking to preserve religious and cultural values, launched a parochial school system that, in some large cities, would grow to rival the public system; and, elites educated their children in exclusive "Ivy League" academies or in equally elite public schools established in wealthy communities. Systems separated by wealth, race, religion or culture siphoned students from the mainstream public school system and simplified the task of the "managers" of education.

The "Reform" Movement Succeeds

The reformers were notably successful. While details for reform plans and the political struggle varied from region to region and city to city, the outlines of the national movement were clear. Urban school districts became highly centralized, patterned generally on the emerging and greatly admired corporate model. Control rested with the city elite; ward politicians and lay people were excluded. Reliance on education experts became operating policy. Superintendents changed from clerks to dominant policymakers. Boards acquiesced to superintendents who delegated authority to a rapidly expanding corps of middle-management administrators.

The progressive reform movement transferred the corporate and business management emphasis on quantity to schools.[4] Cost-benefit analyses, uniform textbook adoption, tests and test scores, consolidation of small local schools into large units--all were assumed to be more efficient as were similar changes in the private sector.[5] Schools became larger and more impersonal. Authority was centralized in large bureaucracies "downtown."

Centralized citywide administration dominated school governance from the early part of the century until the 1960's. The public's role was explicitly defined as voting for school board members who

usually ran on a citywide, nonpartisan basis with candidates selected by good-government, civic elite groups. Parents' roles were to send their children to school well-fed, well-clothed and with a respect for authority developed at home; to learn how to be good parents; and, to delegate to professionals and managers decisions about what should be taught, how, by whom, and under what conditions. Neither citizens nor ordinary classroom teachers had much to say about educational policy.

One of the progressive movement's most important legacies was a middle-class consensus on values supporting school board and administrator policies and practices. Parents seemed to trust educators' competence, expertise and sympathy with community interests. They assumed that most education decisions required technical expertise and were best delegated to professionals. Issues such as school governance, budgets, personnel, curriculum, testing and discipline usually fell outside the sphere of citizen participation.

The New Reform: Activism in the 1960's

Despite the success of these reformers, a new reform emerged to challenge the old. Several political, economic and social currents swelled to a flood in the period following World War II. Federal housing and transportation policies encouraged the rapid growth of all-white suburbs at the same time that the industrialization of agriculture spurred the movement of rural minorities to urban centers.[6] These national-level pressures increased segregation by race and class during the same years that states and localities faced responsibility for implementing Brown v. Board of Education, the Supreme Court's affirmation that the Fourteenth Amendment prohibited "separate but equal" education. At a time when more and more students were completing more years of schooling, sources of pressure continued to mount. The civil rights movement, postwar economic growth, new immigrant streams produced by the 1965 amendments to the Federal Immigration Act, the initiatives

of the early Kennedy-Johnson years attacking problems of poverty--all fueled rising expectations of the poor for economic and social betterment. The disillusionment when these expectations were not met led to alienation and rebellion in the cities--uprisings that were easily squashed by concerted national action.

Demands on the educational system to serve the needs of disparate populations did not diminish, however. Aid programs initiated by the Federal government required representation of the target groups in planning and implementation. New people--mostly the urban poor and minorities--began to participate, often teamed with liberal white middle-class advocates of change. The new participants quickly turned to the problem of education because conditions in most city schools were deplorable. As minority pupil population grew steadily in schools staffed largely by white middle-class professionals, pupil performance deteriorated. The new participants and their liberal allies challenged the prevailing view of urban school failures; they blamed the schools instead of the students and their homes. Scholastic underachievement of minorities and poor people became a political issue. Using various modes of participation--protests, boycotts, mass rallies, sit-ins, marches and direct confrontation techniques--the urban poor challenged established patterns of authority and demanded a voice in policymaking.

Community Control in the 60's

The community control movement of the mid-60's began in New York City as a reaction to the school board's failure to desegregate the schools.[7] The movement reflected the conviction that black and other minority children would always fail in institutions where most of the players, scorekeepers, rule-makers and judges were white, middle-class and elite. With this tie to civil rights, the movement spread to other cities--Washington, Milwaukee,

Boston, Detroit, Los Angeles, Buffalo, Hartford--and to other minority groups. Chicano minorities in Texas, Los Angeles and other parts of the Southwest embraced the concept, emphasizing political and economic development along with preservation of linguistic and cultural identity. At the same time, Native Americans sought to break away from control by the Bureau of Indian Affairs. In other places, including some small towns and cities, the movement spawned development of small parent cooperatives and other community-based schools outside the public system. Racial-ethnic pride and the desire for both equality of opportunity and autonomy in decision-making determined the purposes and content of community control of schools in the 1960's and 1970's.

The community control movement called for central boards of education to delegate a large degree of authority and autonomy in matters of budget, personnel and program to individual schools or clusters of schools. This model of control was most fully developed in New York City where three experimental, community-controlled school districts were established. The experiments produced extraordinary conflict and controversy. The focal struggle between the community and the United Federation of Teachers resulted primarily in a victory for the teachers' union as state legislation decentralized aspects of the city school system without interfering with the union's citywide bargaining rights.

In New York City, as in most large cities, the press for community control was effectively deflected and defused. Some patterns of accommodation, usually in the form of administrative decentralization, provided alternate structures for voicing concerns of citizens without altering the focus of control.

Federal and State Actions

A variety of federal and state actions have supported increased citizen roles; the most

controversial have been those of the federal judiciary system. Within a federal-state-local structure such as ours, the press for local control does not take place in a vacuum but within a framework of rights and responsibilities articulated in the U.S. Constitution and its Amendments. The tensions inherent in such a system are dramatically evidenced in the consequences of the 1954 Supreme Court decision outlawing segregated schools. Flanked by other decisions clarifying Fourteenth Amendment rights, the Brown v. Board of Education decision reversed two centuries of legal discrimination.[10] Citizen efforts to resist necessary changes or withdraw from affected schools co-exist with efforts to restructure schools and monitor the progress of desegregation. Although court decisions have continued to sustain the momentum of desegregation through more than two decades, the tasks of increasing equity in education are far from finished and citizen understanding of and commitment to the tasks remain ambiguous.

Federal legislation, too, has stimulated citizen participation in education since the mid-sixties. Most federal education programs--Head Start, Follow Through, Title I of the Elementary and Secondary Education Act, Bilingual Education, Teacher Corps--typically require advisory committees at the school building or district level.[11] Many of the programs for target populations, such as handicapped, low income or bilingual students, have triggered constituent lobbying for school system delivery of services to student population needs. In addition, several states, notably California, Florida and South Carolina, have led the way in mandating general purpose citizen advisory committees at the school building level. The number of federal and state-mandated councils runs to the tens of thousands with an estimated million and a half people participating. Although most government-mandated advisory committees fall short of authentic power sharing for

parents and citizens, they do provide community residents with new access to school policymaking.

Continued Growth

The burgeoning of school advisory committees occurs at a time when urban, rural and suburban school boards alike have severe problems of identity, credibility and representativeness. The number of school boards has declined from 84,000 in 1950 to 16,000 in 1976. Not only are there fewer board members to represent more people, but these members are far from demographically representative: approximately eighty-eight percent male and twelve percent female; ninety-six percent white and four percent minority; sixty-six percent business or professional status and thirty-four percent all others.[13] Many people, especially in big cities, appear to lack confidence in boards of education, to be confused about what they do, and find or believe them unresponsive to their interests.[14] With increasing middle-class activism in the suburbs, middle-class citizens' organizations are demanding better information, communication and contacts between parents and schools. In addition, increasing school costs and declining enrollments in a period of economic squeeze point to the likelihood of a continued upsurge of citizen participation in school affairs. The demands that emerged so strongly in the past two decades will continue: equity and cultural and political advancement for racial and ethnic groups; and, citizen rights to share public school decisionmaking with educators.

Many of these demands are likely to be mutually contradictory; the resultant struggle exacerbates the conflict with teacher unions--an organizational phenomenon that deserves thoughtful examination.

SOCIAL CHANGE: ACTION IN THE WORKPLACE

Although the development of mass industry in the United States began well before the Civil War in 1860, American production and industrialization lagged behind England, France and Germany. The period from the Civil War through the end of World War I was

marked by a major effort to catch up and then stay ahead by creating an efficient corporate-industrial machine. Most of this extraordinary economic growth and industrial expansion was achieved at the expense of workers who suffered oppressive living and working conditions and had virtually no legal recourse. Thus, they pursued political action to change laws and establish a structure of rights and responsibilities governing relationships in the workplace.

The labor movement arose and grew in order to protect and advance worker civil rights, to improve their economic and social conditions, protect their health and safety, and increase their power to represent themselves and their interests in the political process.[15]

As in other aspects of the civil rights movement, authorities in local, state and national governments and courts strongly opposed the workers' efforts. Local police, state militia and federal military forces were often arrayed against the workers, many times brutally, to break strikes and prevent organizing. Labor unions were suppressed in the name of public order. A less-than-impartial judiciary seldom supported union and worker claims to protection under law. Courts, for example, frequently used the Sherman Anti-Trust Act as a basis for ruling that unions constitute combinations in restraint of trade, applying triple damage provisions to unions as well as frequent injunctions.[16] The interests of property and economic development prevailed over the economic and social rights of workers.

During the nineteenth century, substantial ideological and tactical splits wracked the labor movement. In the 1890's Samuel Gompers took the lead in making unions less politically threatening, less Marxist and socialist in ideology, less militant in tactics and more acceptable to mainstream decisionmakers. This move made his American Federation of Labor, at least, less susceptible to the "Red Scare" tactics used by labor's opponents in the

post-World War I period to frighten the public and divide the workers. By the early part of the first quarter of the twentieth century, the movement began to achieve some official sanction.[17]

The Clayton Act of 1914 marked the first federal support for unions by banning injunctions against unionization and activities such as strikes and picketing. Although it removed unions from the constraints of the Sherman Act, it said nothing about collective bargaining or contracts. Hailed by labor leaders as a great victory, it was, nevertheless, weakly applied and often ignored by the courts.[18] The Norris-LaGuardia Act of 1932 provided Congressional legitimation of workers' rights to bargain collectively, and the Wagner Act of 1935 further supported those rights:

> ...by preventing employer interference with employee organizations, by providing means for determining the employees' choice of representatives, by enacting the doctrine of exclusive recognition of the majority agent, and by commanding employers to bargain collectively with that agent.[19]

The 1947 passage of the Taft-Hartley Act is generally considered the beginning of the modern era of collective bargaining. It requires management as well as unions to bargain collectively and in good faith, sets forth mutual obligations of both parties and calls for a written contract.

Collective bargaining as now practiced has thus been generally accepted and legitimated by federal statute for only thirty years. Supporters identify four benefits of private sector collective bargaining:

1. It is an effective conflict resolution mechanism for achieving industrial peace and maintaining social and economic stability;

2. It is a way to give workers their democratic right to participate in their own governance;

3. Unions represent workers in the political arena and form an important part of the democratic political process with its competing interest groups;

4. Collective representation corrects imbalance of bargaining power between a company and an individual employee.[20]

Federal laws, and nearly all parallel or complementary state labor laws, excluded public employers and employees. There were several reasons for this. Public employment tended to be steady and without the seasonal and cyclical fluctuations that produced hardships for industrial workers. Also, until the 1960's, there was little demand for collective bargaining from public employees at local, state or national levels. More important, however, was the development of the civil service system and the parallel tenure system for public school teachers.

As early as 1868, Congress passed an eight-hour day law for federal employees while working hours in factories were still often 12 and 14 hours long. With civil service came a wide range of safeguards on selection, promotion and dismissal. Legislation granted public employees, including those in local government, much of what their fellow workers in the private sector were seeking: pension plans, licensing and job security or tenure. Until the 1960's, there was wide acceptance of the view that collective bargaining by public employees conflicted with the prerogatives of elected officials and appointed managers or bureaucrats.

Rise of Public Sector Unions

The number of public employees has increased from 4.4 million in 1940 to more than 13 million in

1970. Public employee organizations have also grown at an extraordinary rate, increasing from one million in 1960, to 2.2 million in 1968, to 3 million in 1976.[21] The American Federation of State, County and Municipal Employees (AFSCME) has become the largest single affiliate of the AFL-CIO, growing from 185,000 members in 1960 to 960,000 members in 1978. In 1964, the National Education Association had less than a million members, representing fewer than half of the nation's classroom teachers. In 1976, it had nearly 1.8 million members, representing about 80% of the classroom teachers. The American Federation of Teachers (AFT) another AFL-CIO affiliate, grew from 10,000 members in 1964 to 446,045 in 1976.[22]

A number of factors account for this spurt in the growth of public employee organizations. The bureaucratization of white collar workers increased fragmentation and specialization in the workplace, and widened the gap between workers and supervisors. Gains for private sector workers threatened public workers economically. As demand for public services and benefits rose, so did competition among public service institutions for scarce tax dollars and public resistance to higher taxes. By the early 1970's, recognition of the limits to resources--the hard realities of scarcity and slow growth--brought with it a sense of economic insecurity among public sector employees and readiness for strong, competitive unions.

In education, there was still another reason for burgeoning union membership. Under the rubric of educational efficiency, the application of private sector management forms and styles to public education set the stage for parallel application of private sector labor relations.

Until the 1960's, the courts provided virtually no support for public employees' right to organize; they typically upheld the right of public legislatures to prohibit such activities.[23] The landmark

McLaughlin v. Tilendias case of 1968, however, resulted in a federal court ruling for "an individual's (public employee's) right to form and join a union." Although the courts have not established a firm constitutional basis for public employee collective bargaining without explicit authorizing legislation, there is a trend toward support for the right of public employees to bargain without mandatory or permissive state legislation.[24] Public employees' right to strike has been a matter of continuous debate and controversy. The courts have repeatedly and consistently held that there is no constitutional right to strike and that legislation can bar strikes by public employees.

State and Federal Actions

Wisconsin, in 1959, became the first state to adopt comprehensive legislation giving public employees the right to bargain collectively. Since then, twenty other states have adopted comprehensive statutes. Fifteen states have enacted separate statutes covering teachers, some with "meet and confer" provisions which recognize a form of negotiation.[25]

The state laws vary widely, but most provide for a) the right to organize and bargain collectively; b) procedures for determining appropriate bargaining units; c) limits to bargaining; d) ways in which impasses will be handled; and e) protection of public employees' right to join or refrain from joining a union. All, except laws in Pennsylvania and Hawaii, absolutely prohibit all public employee strikes. These two states permit strikes under limited conditions.

President Kennedy significantly advanced the recognition of public employees' rights when he issued Executive Order 10988 in 1962. For the first time, the federal government sanctioned the rights of its employees to form labor organizations and required its agencies and their employee organizations to meet and confer. The scope of negotiations was

restricted, but the order provided impetus for organization at the federal as well as the state and local levels.[26]

In 1969, President Nixon issued Executive Order 11491 expanding the rights granted labor organizations for federal service workers. Although a number of serious proposals for federal legislation to sanction and extend bargaining rights for state and local public employees have been made in recent years, no bill has yet passed.

The effort to organize public employees has succeeded in an extraordinary way. Whereas less than 25 percent of private sector workers belong to unions, now approximately 55 percent of municipal, state and federal workers are organized.[27] Teachers rank among the most highly organized occupational groups in the country. More than 90 percent of public school teachers belong to either the NEA, AFT or their local affiliates.

Labor Organizations in the Public and Private Sectors

Observers of the labor scene generally identify four major differences between employment in the public and the private sectors: legal, economic, organizational and political. The chief formal difference is legal. Strikes, the most potent leverage of workers in the public sector, are typically forbidden by most state laws governing public employees. Despite legal prohibitions, however, strikes, slowdowns and temporary work shortages have become so common that this difference is considerably reduced in practice.

Patterns of prices and profits shape economic differences with open market competition theoretically governing the private sector. Government services are typically characterized as a monopoly in which reduced elasticity of prices and costs makes wages and benefits more fixed and less negotiable.

The fact, however, that large segments of the private sector (e.g., utilities, cars, steel, coal) function as monopolies or oligopolies in setting wages and prices makes these differences largely illusory.

The primary economic difference would appear to be the profit motive--a dominant characteristic of private industry which has no direct parallel on the public side. The public good (however that may be defined), not profit, is presumed to be a prime consideration in the public sector.

Organizational differences between the public and private sectors also are central. In private industry, decisions can be made for management by top corporate officials. In the public sector, the authority of management is more diffuse, divided among legislative and executive agencies, elected and appointed offices and also among levels of government. The bodies that make policies of substance are not always the same bodies that control collection and allocation of tax money.

Finally, there is an important political difference. In the private sector, labor relations have focused on economic issues--wages, benefits and job security--and management has aimed to organize working conditions for efficiency and productivity. In the public sector, labor relations are part of a large, complex system of public policymaking reflecting political and social values, judgements and preferences. These organizational and political differences produce significant variations in mechanisms for accountability.

COLLISIONS AND COLLABORATION

The two movements of citizen participation and public sector bargaining mushroom at a point of severe stress for school systems. School boards, caught in the middle of special interest conflicts and buffeted by lack of consensus, have lost credibility. They, their constituents and staff are

confused about roles and responsibilities; they are also sensitive to the dangers of abandoning authority to superintendents and to state and federal agencies. They are painfully caught in the squeeze between public demand for improved services and public resistance to the taxes required to provide these services.

Teacher unions, despite new-found power, are vulnerable to voter and taxpayer backlash. Once-strong alliances between teachers and parents supporting public schools' needs are threatened by the controversy over collective bargaining and citizen participation. Potential alliances between public and private workers evaporate as private sector workers and other taxpayers oppose higher government costs and the inflationary effects of higher taxes.

At a time when others see them as all-powerful, superintendents feel helpless. Major bargaining responsibilities have often been delegated to full-time labor specialists; the superintendents' relationships with the board, teachers and other administrators are ambiguous. They are caught in the swirl of atomized local interest group politics.

The severe identity problems of middle-management lead school principals to ask: Are we management or labor? How do we organize? How can we be held responsible for management at a school and still give an authentic role to conflicting groups of parents and community people?

Citizen groups, often differing with one another, feel left out of bargaining and policymaking processes. They see teachers, administrators and boards opposed to giving them access, influence or a share of power through real participation. Those that support the public schools--especially parents--worry about the taxpayer revolt.

Politicians face rising costs of public schools and various dissatisfied constituencies and interest groups. They know that collective bargaining in edu-

cation is a part of the political process, not a technical question to be handled by labor specialists.

Students are almost totally outside decision-making as it now exists and must assume that others represent their interests--an assumption for which past experience provides little basis.

Unless some new approach is tried, the forces for worker rights, citizen rights and public agency policymaking and management prerogatives will continue to clash and prevent a vital consensus on school governance among educators and citizens in the decades ahead.

An advocacy purpose underlies this report. The evidence shows the need to persuade decisionmakers--teacher organizations, school board members, school administrators, government officials and citizen organizations--to seek better policies and practices for school governance. Modifications in collective bargaining are central to this task. The material which follows points the way toward some approaches that suggest greater cooperation and less protection of narrowly defined self-interest in collective bargaining.

Many of these inventions take the form of technical and structural changes. For example, California's new collective bargaining law, which is described in this report, provides increased access to information. Such modifications, however, do not completely address the problems resulting from the collision between workers and citizens discussed in the preceding pages. A more fully adequate response requires moving beyond current restraints imposed by corporate and bureaucratic styles of management and employer-employee relations to more profound changes: first, assigning significant aspects of educational decisionmaking to the individual school (or small clusters of schools) and the communities they serve; and, second, continuous development of (rather than

cyclical or time-bound) collegial, collaborative forms of communication and power sharing among teachers, administrators, parents, students and other community residents.[28] Under these conditions, the conventional bilateral collective bargaining mode will be much less useful to all parties than other mechanisms through which the many interested parties can exchange resources, both tangible and intangible.[29]

Mutual benefit exchange is a far more powerful and politically productive concept for school decisionmaking than the conventional concept of adversarial negotiations. Mutual benefits are produced by arrangements in which the expertise and resource network of each group in such fields as business and industry, human services, government, communications, arts and sciences, and the various branches and levels of educational institutions are made available to each other in ways and combinations that forward the self-interest of each. Joint benefits develop through complementary approaches to identical or similar goals. Combinations, patterns and topics are developed from participants by people trained as mediators and facilitators of various kinds. New premises, new themes and new dimensions bring new promise.

Experience with positive benefits among disparate individuals and groups changes attitudes. Difference becomes valuable. Conflict among parties will not and should not be eliminated. A participatory and open democracy is characterized, almost by definition, by differences and conflict. But when each difference, whether biological or cultural, can be changed from threat to benefit, when conflict can turn to mutual advantage, the outsider becomes a potential insider. It is possible to conceive of a sense of community that extends to all.[30]

Without asking the reader to accept this more idealistic and far-reaching call for change, we assert that the practical case for new approaches is

obvious. The status quo does not serve the best interests of any of the major parties involved. Each group is vulnerable and uneasy. Each is seeking new allies and new strengths.

Footnotes

1. David B. Tyack, The One Best System (Cambridge, Mass.: Harvard University Press, 1974).

2. Nicholaus Mills, "Community Schools: Irish, Italians, and Jews," Social Policy (March/April 1977), pp. 79.

3. Michael B. Katz, Class, Bureaucracy and Schools: The Illusion of Educational Change in America (New York: Praeger, 1971). This shift in strategy was repeated in the 1960's by leaders of the black community in New York and other cities. In both centuries, ethnic or racial or religious differences were keys to the struggle, and class differences based on economic analyses and considerations were at least as important as cultural and educational motivations.

4. Raymond Callahan, Education and the Cult of Efficiency (Chicago: University of Chicago Press, 1962).

5. Jonathan P. Sher, and Rachel B. Tompkins, Economy, Efficiency, and Equality: The Myths of Rural School and District Consolidation. A Report to the National Institute of Education, U.S. Department of Health, Education and Welfare (July 1968).

6. Frances Piven, and Richard Cloward, Poor People's Movements: How They Succeed and Why they Fail (New York: Pantheon, 1977).

7. Annie Stein, "Strategies for Failure," Harvard Educational Review Vol. 41, No. 2 (May 1971), pp. 158-204.

8. Casa De La Raza, Southwest Network, University of Nebraska Printing and Duplicating Services, pp. 31-32.

9. "CICSB Urges More Control at Local Levels," Educational Journal of Indian Law 1, No. 8, (1973), pp. 7-12.

10. Richard Kluger, Simple Justice (New York: Vintage Books, 1975).

11. Federal and State Impact on Citizen Participation in the Schools (Boston: Institute for Responsive Education, 1968). Prepared for the Group on School Capacity for Problem Solving Program of the National Institute of Education, Chapter One.

12. Federal and State Impact on Citizen Participation in the Schools, Chapter Two.

13. L. Harmon Zeigler and M. Kent Jennings, Governing American Schools (North Scituate, Mass: Duxbury Press, 1974), p. 28.

14. Research Report, 1975: The People Look at their School Boards (Evanston, Illinois: National School Boards Association, 1975).

15. Theodore W. Kheel, "Introduction: Background and History," in Public Employee Unions, ed. A. Lawrence Chickering (San Francisco: Institute for Contemporary Studies, 1976), p. 3.

    Robert Nisbet, "Public Unions and the Decline of Social Trust," in Public Employee Unions, ed. A. Lawrence Chickering (San Francisco: Institute for Contemporary Studies, 1976) offers a somewhat different perspective on the rise of unions, describing the 19th century upsurge of private associations, including unions, as a response to "the kind of atomism that had been created by the new industrial system, with its large, impersonal factories, its rigid division between 'owners and workers,' and by the sudden loss of traditional communal contexts of village, parish and extended family by so many thousands of workers" (pp. 12-39).

Prototype unions such as the Workingmen's Associations prevalent in East Coast cities during the 1830's and 1840's were essentially mutual benefit, informal insurance societies. They were also social organizations, working class versions of businessmen's lodges and fraternal organizations. But Nisbet also calls the growth of voluntary groups a "harbinger of the collapsed public confidence in the state that is so evident in the West today" (p.28). It is useful to consider today's unions and citizen activism--and the frequent conflict between the two-- along with this explanation of the rise of voluntary associations as a response to social atomization and to loss of confidence in government. Worker and citizen rights movements conflict, but they are both efforts to protect classes of individuals against government and public institutions as well as to provide a linkage for group interests to those same governments and institutions.

16. Theodore W. Kheel, "Introduction: Background and History," in Public Employee Unions, ed. A. Lawrence Chickering (San Francisco: Institute for Contemporary Studies, 1976), p. 2.

17. Frank L. Grubbs, Jr., The Struggle for Labor Loyalty: Gompers, the A. F. of L. and the Pacifists, 1917-1920 (Durham, N. C.: University of North Carolina, 1968), p. 7.

18. Theodore W. Kheel, "Introduction: Background and History," in Public-Employee Unions, ed. A. Lawrence Chickering (San Francisco: Institute for Contemporary Studies, 1976), p. 3.

19. Kheel, p. 3.

20. Harry H. Wellington and Ralph K. Winter, Jr., "The Limits of Collective Bargaining in Public Employment," in Public Employee Unions, ed. A. Lawrence Chickering (San Francisco: Institute for Contemporary Studies, 1976), pp. 52-55.

21. Lee C. Shaw, "The Development of State and Federal Laws," in Public Workers and Public Unions, ed. Sam Zagoria (Englewood Cliffs, N.J.: Prentice-Hall, 1972), p. 21.

    George Meany, "Union Leaders and Public Sector Unions," in Public Employee Unions, ed. A. Lawrence Chickering (San Francisco: Institute for Contemporary Studies, 1976), p. 167.

22. National Center for Education Statistics, The Condition of Education, Statistical Report, 1978 Edition (Washington, D.C.: U.S. Government Printing Office, 1978), p. 180.

23. Shaw, p. 21.

24. Ibid., p. 22. Chicago Division of the Illinois Education Association. Board of Education of the City of Chicago (1966) is representative of this trend.

25. Ibid., p. 26.

26. Ibid., p. 24.

27. U. S. Bureau of Labor Statistics Directory of National Unions and Employee Associations, 1976 and 1975.

28. Sharing and Power? A Report on the Status of School Councils in the 1970's (Boston: Institute for Responsive Education, 1977).

29. Seymour B. Sarason, Charles F. Carroll, Kenneth Maton, Saul Cohen, Elizabeth Lorentz, Human Services and Resource Networks (San Francisco: Jossey-Bass Publishers, 1977).

30. For these concepts we are indebted to Elizabeth Lorentz, founder of the Northern Westchester Network and IRE Board Chairperson.

ONE NEW YORK MOVES TOWARD MORE BALANCED TEACHER BARGAINING

David Seeley and Helen Heller

New York City, historically the birthplace of so many political and social movements, was the first city to develop successful teacher union militancy. It is fitting that New York has now also generated an effort to create a more balanced educational collective bargaining process so that parents, students and citizens can achieve representation along with teachers and other school staff.

Unlike many communities which are hostile to teacher unionism, New York--a strong "labor town"--accepted the newly arrived teacher unionism as a permanent reality in public education. The question in New York has not been how to make teacher bargaining go away, but how to make it work in the best interests of education.

In this spirit a joint Collective Bargaining Task Force was formed in 1976 by the Public Education Association (PEA) and the United Parents Association (UPA), the city's two major education organizations, one representing citizens (PEA) and the other representing public school parents (UPA).[1] In less than two years of operations the Task Force has analyzed collective bargaining procedures, reviewed possible alternatives, hammered out a reform agenda and raised money from three foundations to develop an informed constituency to support better education contracts and contract procedures.

Background of Educational Collective Bargaining in New York City

The PEA-UPA Collective Bargaining Task Force grew out of the city's experience with educational bargaining during the 1960's and 1970's. In fifteen

short years, the teachers' union developed from a disorganized collection of weak groups into a dominant power in the public school system.[2] The union's internal dynamics and its relations with parents and the public have changed. There is reason to believe union-parent relations will continue to change as unionism matures and economic and political conditions shift. New York's experience does not suggest that collective bargaining in the public sector is a monolithic and unchanging entity that must be either loved or hated, accepted or rejected in its present form.

In the early days, parent and education organizations in the city often sided with the teachers' union even on bread and butter issues. In 1962 for instance, the Public Education Association joined with the United Federation of Teachers (UFT), the AFT-affiliated union in New York City, to publish a report calling for increased teacher salaries and more generous support staff. The United Parents Associations and other parent groups often marched to Albany arm-in-arm with the union to press for increased state aid, much of which went for improved staff salaries. "What's good for teachers is good for children" was a common slogan.

Parent and education groups saw salary improvement as beneficial to children's interests as well as to teachers'. Toward the end of the 1960's, however, parents and citizens began to see that teacher union interests were not always the same as parent, student and taxpayer interests. As New York salaries and benefits began to catch up with and surpass those in wealthy suburbs, people began to wonder whether increased funds might not better be spent on program improvements. Some pointed out that tax increases were driving the tax base out of the city. In addition school principals began to complain that they could not run their schools effectively because of inflexible contract provisions; parents began to complain that even grossly incompetent teachers were retained because of union protection. And there began

to be concern about the growing union power.

Once teachers overcame their inhibitions about striking, they found a powerful weapon in their hands. In the 1960's, the union could strike with near impunity and with astonishingly good results in terms of increased pay and benefits. The temptation to use this weapon was irresistible. No union leader could last long if he wasn't prepared to bargain "tough" and lead out his troops if he didn't get what he wanted. And no politician was prepared to say "no" in the face of such threats.

The education unions were not alone. The same kind of militancy was developing on parallel tracks in other public sector unions: police, fire, sanitation and municipal workers. These groups, traditionally lower paid than workers in private industry but with more job security and special fringe benefits, began to flex their muscles at the bargaining table.

Opposition to this growing union power was blunted in the 1960's by infusions of federal and state funds which, as long as they increased year by year, tended to lessen the impact of service cuts and hide the rapidly rising cost of contracts.

During those same years, education unions developed another point of leverage: political power. The unions found that as they shifted their stance from professional association to militant union, from polite lobby to tough political organization, their power jumped by quantum leaps. The fact that the UFT had operatives in every neighborhood in the city meant that it had the opportunity to link up with political forces and could pose an effective electoral challenge to any unresponsive legislator. Political leaders who might have been tempted to risk a strike rather than make educationally or financially unsound concessions had to think twice about their political futures.

People were becoming hostile to the union not

because they were "anti-teacher" but because they felt the union was becoming too powerful and was coercing the city into concessions that were bad for education, bad for children and bad for the city's fiscal health.

Disaffection with teacher power took on a special aspect in minority communities. In 1967, there was a strong reaction against the union's demand that teachers be given unilateral power to exclude "disruptive" children from their classrooms.[3] By the summer of 1968, the historic coalition between civil rights and labor groups split asunder over the issue of community control. Minority groups felt the unions were blocking their legitimate demands for accountability, and the unions feared that minority power would unduly threaten teachers' job security and professional status.

An effort to decentralize the mammoth school bureaucracy, endorsed by both the mayor and the State Board of Regents as an essential measure to halt the precipitous decline in the quality of the schools, was effectively derailed by the UFT in the state legislature. The Decentralization Law, passed in 1969, was hailed by the union as an 80 percent victory for its views and denounced by proponents of decentralization as an unworkable sellout.[4] The law placed control over personnel and budget with the central bureaucracy which was now increasingly under the influence of the union. The parents and citizens involved in the struggle over decentralization once again felt defeated and closed out of the system. Through it all, the union made the greatest gains in salary and benefits in its history.

The Early '70's

As the passions of the decentralization battle began to wane in the early 1970's, the economic and educational problems related to teacher bargaining began to reemerge in the public consciousness. The school system budget was climbing dramatically. Even

more significant for the collective bargaining issue, the annual budget increases, large as they were, were not keeping up with increasing costs. The shortfall between what the Board of Education requested each year and what the city finally appropriated grew from $30-$50 million annually in the early 60's until it reached the $300-$500 million level in the early 70's. Despite $200-$300 million increases in the budget, education programs had to be cut back because increases in "mandated" costs were greater than the increases in the budget. It did not take parents long to realize that the bulk of "mandated" increases came from the union contracts. These mandated amounts, determined outside the budgetary process in secret negotiations over which parents and the public had little influence, had automatic priority over educational programs for children. These facts generated frustration and hostility among parents.

The climate surrounding educational bargaining was changing but there was as yet no fundamental alteration in the power equation. Costs continued to outstrip revenues, and the union had sufficient power to make salary and benefit increases a higher priority for use of available dollars than preservation of education programs. It became clear to UPA and PEA that only as the public became aware of how its interests were affected by municipal collective bargaining would significant change in the outcomes of bargaining be likely to occur.

The New York City Fiscal Crisis of 1975

New York's fiscal crisis significantly heightened the public's attention to and awareness of all fiscal matters including municipal collective bargaining. The spectrum of public opinion ranged from those who placed the entire blame for the financial debacle on the unions to those who argued that the city should not try to "balance its budget on the backs of the unions." Aside from the rhetoric, one major question for the city remained: how to pay

for labor contracts it could not afford.

With no funds available to increase the budget and the state imposed Emergency Financial Control Board (EFCB) disallowing budget gimmicks used in the past, it became much clearer that choices had to be made about budget priorities. A dispute over whether to use available funds to raise salaries or to rehire laid-off teachers became a matter of public discussion and editorial comment. As part of the 1975 UFT settlement, at the height of the fiscal crisis, some teachers received $1500 increases while thousands of others were laid off. This arrangement brought home the point that collective bargaining is not just a dramatic contest between tough-talking champions of the workers and double-taking politicians who always somehow "find" the money for a settlement. Citizens learned that collective bargaining dealt with real choices about the use of available resources--choices that affected their own interests as well as those of school employees.

The public also began to learn that it did not always get the straight story about these choices. During the period when the public climate for 1975 negotiations was being formed, people were given the impression that New York City teachers were paid less than teachers in other school districts. Little publicity was given to comparative figures showing the total salary and fringe compensation for New York City teachers with graduate credits and eight years experience to be $25,944 compared to $16,696 in Albany, $18,705 in Buffalo, $20,735 in New Rochelle and $21,800 in Great Neck. As these facts began to circulate, parent and civic leaders were outraged that secret commitments were being made to increase staff costs further while teachers were laid off because of an ostensible lack of funds.

The press often failed to dig behind the official statements of the union and the Board of Education for the real story of the negotiations. Reporters relied on the two "contesting" sides to bring out

the important issues. In the 1975 UFT negotiations, both the union and the board told the public that they were discussing not salary increases but ways to reduce layoffs. The press dutifully reported this to the public. It was only when the Emergency Financial Control Board hired independent labor consultants to review the agreement between the union and the Board of Education that the public learned that PEA's analysis was correct: the contract did contain $100 million in increased staff costs--for a staff reduced by the layoffs of 10,000 teachers.

The fiscal crisis revealed collective bargaining in the public sector as essentially a political, not an economic, phenomenon. In the past, political pressures had usually been applied in private while the media had provided the public with the traditional "entertainment" of collective bargaining: table pounding, stomping out of the room, and last minute cliff hangers with dawn breaking over a downtown hotel. In 1975, however, the UFT overpowered the objections of parent and citizen groups and EFCB's staff; it applied open political force by bringing both of New York's United States Senators to an EFCB public meeting to press for approval of the modified 1975 teachers' contract and finally push it through. The fact that Mayor Beame, elected with strong city union support, had also urged approval of the contract was not lost on the electorate, which later turned him out of office in favor of Mayor Koch, who ran on a strong "I'll stand up to the unions" platform.

The fiscal crisis also made clear to parents the degree to which teacher bargaining had expanded into policy areas. Although the PEA and UPA had warned of the dangers of expanding the scope of bargaining, of permitting more and detailed, centralized school policy to be made during hurried secret negotiations, most parents and citizens had not been alert to these problems. The media gave these issues little coverage. When, in September 1975, it was announced that the strike settlement would deprive students of

two class periods a week, many parents were outraged. The following year, secret negotiations gave the union a midwinter vacation and parents became more outraged. Loss of two class periods a week and initiation of a new vacation may be less harmful to the education process than rigid seniority rules or protection for incompetent teachers but the issues were much easier for parents to grasp. For the first time, there began to be widespread dissatisfaction with a process which decided such important education matters without consultation or public hearings.

People began to see how their interests could be adversely affected by collective bargaining agreements. The outlines for possible reforms began to take shape. People needed better availability of information, political accountability of those bargaining on their behalf and more effective representation of the consumer interest. The city was beginning to wake up to the idea that there was something wrong with the way collective bargaining worked, and that something had to be done about it. The stage was set for the formation of the PEA-UPA Task Force.

Formation of the Task Force

While UPA, PEA and other groups over the years had voiced their objections to individual contracts or to collective bargaining procedures, the fiscal crisis clarified the need and opportunity to modify the system for negotiating contracts in a comprehensive, systematic way that would better serve the interests of public education. In discussions during the spring of 1976, PEA and UPA developed the Joint Task Force on Collective Bargaining.

The Task Force, with representatives from both organizations and the city's various ethnic and geographic elements, started meeting biweekly in the summer of 1976. Staff support was provided by Interface, a non-profit project management organization in New York City.[5]

From the beginning, it was clear that the work of the Task Force would necessarily have two separate aspects. First, the Task Force would try to increase the representation of parent and public interests in current educational negotiations and improve the educational soundness of contracts negotiated. Second, the Task Force would work to change existing procedures so that in future negotiations parent and educational concerns would be better represented.

Although the teachers' contract was the main concern of the PEA-UPA project because of its great impact on education in the city, the Task Force was also concerned with negotiations with other Board of Education unions, particularly those of supervisors and custodians. As no teacher contract negotiations were under way when the Task Force organized, the group decided to focus on the custodians' contract negotiations then in progress, and to use the experience gained there to develop a strategy for affecting future negotiations.

The Community School Board Negotiating Council

One of the most important benefits gained from the Task Force's involvement with the custodians' contract negotiations was a better understanding of the role played by the Community School Boards in the bargaining process. Under the provisions of the Decentralization Law of 1969, three Community School Board (CSB) members sit at the bargaining table with two central board members to negotiate with each of the Board of Education unions. A Negotiating Council made up of one representative from each of the 32 Community School Boards chose the panel of three CSB representatives. The law provides that the role of the Community School Board representatives is only advisory. Legal authority for concluding contracts remains with the central Board of Education.[6]

The Task Force began to evaluate the success of Community School Board representation in better bal-

ancing the bargaining process and in giving representation to parent and citizen interests. Our general conclusion was that, while inclusion of Community School Board representatives was a step forward, the arrangement fell far short of adequate representation of the public interests.

The Task Force identified the following weaknesses in the CSB consultative process: community boards' lack of information; their lack of independent counsel to obtain information and formulate their own bargaining position; secrecy of the proceedings which prevented consultation with local constituencies; and, the CSBs' inability to prevent important bargaining occurring away from the table where they could not monitor the interaction. The Community School Boards were and are totally dependent on the Board of Education's willingness to provide data, adequate notice of meetings and sufficient time for informed discussion.

Nevertheless, community board involvement has taught some positive lessons: the value of scrutinizing the actual negotiations and demanding accountability from the board negotiators; the value of pressing the central board to develop a data base of its own; and, the value of sharing ideas among the community board representatives about contract proposals.

In 1977-1978, the Task Force began to prepare for the new UFT contract negotiations. Never had there been systematic scrutiny of UFT contract provisions. The Task Force's first step was to conduct a sample survey among 30 principals and district superintendents to determine which of the present contract's aspects most interfered with both good school management and the quality of education. Without question they were most dissatisfied with the contract's restrictions on staff assignment. Principals forcefully stated they were often required to assign personnel to jobs for which they were not qualified, even when staff with better qualifications were

in the school and willing to take the assignment. One principal stated, "It's possible to get around the rotation requirement but the process is long and involved and it would be more beneficial if the principal didn't have to waste his time trying to offset contract provisions." Another states, "This is a problem a principal should not be bothered with. He should be free to appoint whom he feels is best for the job. Everyone is not necessarily equally qualified and these distinctions should be recognized."

The Task Force contracted with one of its members, Professor Sara Silbiger of Rutgers University, to work with the Interface staff on further research and interviews and to develop both a list of problem areas in the contract and a set of alternative provisions that would serve the interests of teachers and improve education too. At the same time, UPA was meeting with local parent leaders throughout the city to gather their concerns and suggestions for improving the contract.

Building a Constituency

In addition to conducting research, interviews and discussions, the Task Force began to develop a broader constituency. It allied readily with the Educational Priorities Panel (EPP), a broad coalition of 22 civic and education groups (including PEA and UPA) formed during the fiscal emergency to press for budget policies that would make better use of available resources.[7] The EPP had found an inexorable connection between important budget decisions and negotiations. It had also found that, often as not, the unions were allied with the bureaucracy in wanting to preserve administrative and overhead jobs because many union members either held such jobs or aspired to them. As a result of these findings, the EPP decided to make collective bargaining a priority concern and to use the PEA-UPA Task Force's research and analysis to develop its positions.

The Task Force and the EPP recognized that many questions should be addressed when formulating both their 1977-1978 school budget proposals and their new contract negotiating posture. Consequently, the Task Force and the EPP met with the president of the Board of Education and offered their preparatory research and discussions to the board. This group also suggested that the board provide certain basic information to the public and presented a series of issues requiring research by the board.

The Task Force also developed a working relationship with the leadership of the Community School Board Negotiating Council. The Council had never had staff help in its preparations for negotiations; the Board of Education had forbidden it outside labor counsel on the ground that it could use the Board of Education's own staff. This never proved satisfactory. The Council decided to formally contract with the PEA-UPA Task Force to provide technical assistance through Interface. In March 1978, the Negotiating Council agreed to adopt as its bargaining position the proposed contract changes developed by the Task Force.

One interesting aspect of the Community School Board Negotiating Council is that, while a number of its representatives come from community boards politically tied to the teachers' union, the Council's official position tends to reflect parent interests. The lesson may be that, while in secret discussions school board members may be willing to follow union interests, in open discussions they find it difficult not to vote for parent interests.

A very special element in the spring 1978 teacher negotiations distinguishes them from preceding negotiations and has required adjustment in Task Force strategies. The new mayor has agreed to joint negotiations among the major city unions except for those of the police and firemen. Not only does this mean that the teachers have with them at negotiations the sanitation men, bridge tenders, secretaries,

et al., it also means that City Hall, which has always played a behind-the-scenes role in teacher negotiations, will be openly involved in negotiating the contract. The Board of Education appears delighted to have a singular burden lifted from it. As of the writing of this chapter, no one knows how the new procedure will work. It is possible the result will be a relatively simple emergency arrangement preserving the status quo in most contracts whenever funds can be found for across-the-board salary increases. The existence of strong "management" demands such as those developed by the Task Force and backed by its growing constituency, may help the city withstand strong union demands, even if the result is a standoff. On the other hand, joint negotiations could result in a common agreement on salaries, followed by negotiations by the separate agencies to develop productivity savings to pay for the increases and management reforms to improve service to the public.

The coalition bargaining process, because of nature, concentrates on across-the-board salary issues and obscures the fact that negotiations dictate important policy and work rules as well. Whether coalition bargaining remains, or whether bargaining is returned to the province of individual agencies, a need to find new ways to balance procedure continues.

Building a New Model

The Task Force's second area of activity has been developing ideas for changing future collective bargaining procedures so that they can better serve parent and citizen interests.

Through its research and experience in New York City, the Task Force helped its constituents understand collective bargaining's importance to educational decisionmaking and the reasons it does not work well in producing sound educational decisions. It became clear that the problem does not lie with the unions but with the "management" side of the

table, and the fact that it does not adequately represent the interests of parents and the schools. The unions tend to be clear about their objectives; they are organized, strong and skilled in pursuing them. The Board of Education, however, is handicapped in several ways.

- It does not feel the pressure--or support--of an informed and vocal constituency.
- It is politically accountable (to one degree or another) to the unions which are supposedly "across the table."
- It is dependent for information, analysis and negotiating advice on staff members who have little incentive to behave like management, and often have interests more in common with the unions than with parents and citizens.
- It is not represented at the bargaining table by an experienced, professional, non-staff negotiator.
- It is at the mercy of strike threats because of its lack of strong, informed support.

Despite the requirement of the Decentralization Law, and the procedures developed by the board to implement it, the Community School Board Negotiating Council, whose representatives are generally the most consumer-oriented members of the board's negotiating team, does not have an effective voice in negotiations because:

- council members are inadequately prepared for negotiations--they are not fully informed by the board, and they have no independent staff support or expert labor relations advisor;
- the Council is not always consulted by the board;

- not all members of the Council are committed to representing consumer interests.

The board is no match for the unions nor can it be, given the present system. There are several reasons why the private sector collective bargaining model serves education poorly when applied to school contract negotiations.

- It is designed for a situation where there is a tug-of-war between two clearly defined and adversarial economic interests--labor and management (or owners).

- It masks the fact that the decisions are primarily political, that is, concerned with allocating public funds and running public institutions.

- There is no pressure, analogous to the profit motive in the business world, which guarantees public management's commitment to the owner's or taxpayer's and consumer's interests.

- The bargaining process directs public attention to wage issues and draws attention away from the policymaking aspects of the contract and the policy consequences of ongoing contract implementation (interpretation of work rules, grievance proceedings, etc.).

- Citywide negotiations centralize educational decisionmaking and incorporate increasingly detailed and rigid rules for school management in a single document, often agreed to in haste and under pressure, with little opportunity for considering their effect on educational quality. Teachers, principals, and parents have less and less opportunity to exercise initiative to improve school quality at the school level.

- Secrecy, traditional in the private model pre-

vents the public from knowing what's at stake in a particular negotiation and therefore prevents various groups from seeing whether their interests are being served. Secrecy also makes it difficult for the public to influence the outcome of negotiations and obscures the importance of public employee contracts in general; it therefore limits the likelihood of public pressure to reform and open the bargaining process.

The Task Force concluded that only significant changes could overcome the weaknesses and problems of applying private sector models to educational collective bargaining. But what changes? In collaboration with the Institute for Responsive Education, the Task Force undertook a review of proposals developed through research and experience elsewhere in the country.[8] Two major ideas that have been put forward or tried elsewhere did not seem immediately practicable for New York City: the "sunshine" approach requiring all negotiations to be conducted, in public, as in Florida; and, a "consumer" representative as a third party at the negotiating table.

Most people with experience in labor negotiations in New York City, including those who favor a stronger consumer voice, do not think totally public negotiations are workable. The tendency for participants to grandstand, the difficulty of compromising the interests of various union factions and the impossibility of preventing secret negotiations on the side led the Task Force not to press for negotiations in the "sunshine" at the same time.

Having a third party at the table presented more complex problems because, in New York, Community School Board representatives already sit at the table. It is clear that CSB representation has little effect as long as negotiations are conducted in secret and the management side of the table is weak. If additional consumer representatives were to be added, who would choose them? What would be their role?

Would they be able to veto a contract, and if so, would it ever be possible to reach an agreement? Or, would the two parties who actually have the power to agree to terms of employment or to withhold services just go ahead and agree between themselves regardless of the third party's opinion or even of legal requirements for third party approval?

While problems regarding a possible third party remain unresolved by the Task Force, there is unanimous agreement on the urgent need to change the current bargaining procedures so the public can find out how its interests are affected and hold their representatives accountable.

To require public discussion of the following matters before their acceptance by union and management might have done much to change the bargaining equation and make the Board of Education more responsive to parent and citizen concern. These matters are:

- addition of "working conditions" to the contract over the years, usually with little if any discussion with school principals or parents;
- negotiation of salary increases at the height of the fiscal crisis while the public was told that increases were not being discussed;
- the board agreement with no notice, hearings or discussion to a shortened school week;
- dropping of a school week in February, the middle of the academic year.

The Task Force has developed several proposals to provide public discussions without violating either the element of secrecy or others essential

to negotiations.* One proposal is to require much more careful management preparation for negotiations. If the Board of Education met with principals and parent leaders in advance of negotiations, it would have a better grasp of concerns it ought to keep in mind when negotiations begin. Such meetings would also develop an informed constituency to support board demands.

A second proposal suggesting hearings held before a contract is ratified would provide a safeguard to catch mistakes before they are made and make the board conscious of public scrutiny before ratification. To make this procedure useful, legislation might be needed to make all agreements "proposed contracts" until after a public hearing and a formal open vote by the board; otherwise, "memoranda of agreement" signed in secret negotiations may be binding on the negotiating parties and make a charade of the hearing and ratification process.

A third proposal would enhance public information and accountability; it would require the Board of Education to provide a public impact statement on the cost and management implications of a proposed contract before the public hearing so that discussion would be fully informed.

The Task Force is aware, however, that regardless of the information or hearings provided by the board, parent and public groups need to develop an informed constituency and do their own contract research and analysis. The Task Force has been doing this for the spring 1978 teacher negotiations.

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*See Appendix A for a more comprehensive outline of appropriate roles for parents and citizens, the Community School Boards and the Board of Education during each phase of the negotiating process.

The UPAs' and PEAs' outreach activities with local parent groups, citywide groups, community leaders and the media amplify the process of developing an informed public. This process is only beginning, but there is every sign that such public involvement and ability to hold the board accountable is starting to change the dynamics of educational collective bargaining in New York City. Collective bargaining can be part of a responsible political process where many interests are considered and taken into account, instead of a mysterious process which people just accept as an unchangeable reality.

Spreading the Word to Other Civic Groups

Early in the work of the Task Force, it became clear that many of our concerns with educational collective bargaining applied as well to other areas of city labor negotiations such as police, fire, sanitation and civil service workers. We also felt it would be easier to achieve changes in the collective bargaining process if not just the teacher's union was asked to make adjustments. Some of the other labor leaders in the city had complained about weaknesses of management. These complaints indicate that labor as well as consumer interests might be willing to consider changes in the process to make it work better for all parties. The fiscal crisis has made the city unions unpopular, and while short term victories are easier against a weak management, long term labor health might be better served by a more balanced system.

Members of the Task Force met with civic leaders from other organizations in the summer of 1976 to discuss the possibility of creating a broader coalition of groups to press for collective bargaining reform across the city. However, many other civic groups were hesitant to take action. Collective bargaining was not part of their agenda, and some may also have been hesitant to risk the enmity of the unions. Our discussions emphasized the neglect of

city labor negotiations as an area of civic concern. With increasingly important public policy decisions being made at the bargaining table--to the point where the Task Force has come to view collective bargaining almost as a "fourth branch of government"--these various civic groups were still limiting their concerns to the traditional legislative, administrative and judicial decisionmaking processes.

In the fall of 1977, the City Club, one of the city's oldest and most active civic groups, decided to make reform of the city's collective bargaining a primary concern.[9] It held an all-day symposium in November 1977, which included labor experts and leaders such as the head of the city's largest union, the city's chief negotiator and head of the city's Office of Collective Bargaining, a representative of the State Public Employment Relations Board, members of the PEA-UPA Task Force and representatives of sixteen other groups. Out of this symposium came a decision by several civic groups to explore possible joint action for reform of municipal collective bargaining.

It is too early to tell what effect these efforts will have, but it is fair to say that the issues in negotiation are already becoming more public. Heightened visibility is due in part to their relationship to the fiscal crisis and to the coalition bargaining with many unions at one time. It also is due to many more New Yorkers awakening to the vital effect labor negotiations have on their interests and the future of their city and to their subsequent demands for more accountability in the conduct of negotiations. Slowly at first, but now more surely, the people of the city are feeling their way toward a system of collective bargaining that will provide better representation of the public interests.

Liaison with State and National Groups

Just as the PEA-UPA Task Force has sought important alliances with other city groups, it is

also trying--in collaboration with IRE--to reach out to state and national groups. Discussions with the New York State Congress of PTAs reveal considerable interest in parent access to collective bargaining in the state.[10] Better contact with national groups is also beginning now.

The Task Force feels the issue of parent and public access to educational collective bargaining has been grossly neglected across the nation and it hopes, through its work and in concert with others around the country, to develop a healthy balance in teacher bargaining so that teachers, parents, students and citizens can once again join in partnership to work for the improvement of public education.

CHAPTER NOTES

1. The Public Education Association, 20 West 40th Street, New York, N.Y. 10018, has been concerned with education of New York City children for over 80 years. This citywide civic organization provides a forum for local groups to share and coordinate views and information, produces many publications, and coordinates an information service which provides topical reports on the status of legislation, elections, and school-related issues. Their substantive reform program involves changes in the way in which funds are allocated (budgeting, collective bargaining and management), and what the money is expended on, e.g., educational programs.

   United Parents Association, 15 East 26th Street, New York, N.Y. 10016. Founded in 1921, this federation of parent associations lobbied with teachers for salary and working condition reform. The UPA has also decentralized under the impact of the Decentralization Law. It represents city parents from approximately 450 affiliated schools, and acts as their spokesperson to the Board of Education. This non-profit voluntary organization is engaged in parent education, advocacy, and leadership training. Policy is made in the Delegate Assembly.

2. For more material on the rise of teacher unionism, see: Irving Hamer, "Educational Collective Bargaining: A System Under Pressure," Citizen Action in Education, Institute for Responsive Education (Sept. 1977); Kenneth W. Haskins and Charles W. Cheng, "Community Participation and Teacher Bargaining: A Clash of Interests?", Journal of Education 158 (August 1976): 48-69; and Myron Lieberman and Michael H. Moscow, Collective Negotiations for Teachers (Chicago: Rand McNally, 1966). Also the entire issue of Michigan Law Review 67 (March 1969); and Charles R. Perry and Wesley A. Wildman, The Impact of Negotiations in Public Education: The Evidence from the Schools (Worthington, OH: Charles A. Jones, 1970).

3. For a more detailed discussion of the disruptive child clause and community reaction to it, see: Ida Klaus, "The Evolution of a Collective Bargaining Relationship in Public Education: New York City's Changing Seven Year History," Michigan Law Review 67 (March 1969):1033-1066.

4. For a discussion of the meaning of the Decentralization Law and community participation (particularly of Community School Boards), see: Marilyn Gittell, Critique of the Citizen Participation Movement in Education (New York: Brooklyn College, 1976), especially pp. 6-9; Lee Stookey, "Community School Board Participation in Educational Collective Bargaining in New York City," Citizen Action in Education 4 (September 1977):3-4; Haskins and Cheng, p. 17; The Committee on Municipal Affairs and the Committee on Labor and Social Security Legislation, "The New York City School Decentralization Law and its Effect on Collective Bargaining," Association of the Bar of the City of New York (May 1972).

5. Interface, 95 Madison Avenue, New York, N.Y. 10016, is a non-profit management support organization which provides technical assistance to a variety of public service agencies in the New York metropolitan area. Interface serves as executive staff for the Educational Priorities Panel and the UPA-PEA Collective Bargaining Task Force.

6. The New York City Board of Education is responsible for the administration of approximately 1000 school buildings, and the education of one million students served by 52,000 teachers. For more information about their role and authority write them at 110 Livingston Street, Brooklyn, N.Y. 11201.

7. The Education Priorities Panel, c/o Interface, 95 Madison Avenue, New York, N.Y. 10016, states in its conclusion to the school budget handbook, Who Decides on What, When and How?, "Parents and citizens must become active and effective participants in the process if they wish to make the budget and the educational policies which result in reflecting their interests and the interests of their children." To this end, EPP publishes guides and reports on: the New York State Aid Formula; the lunch program; the use, capacity and leasing of school buildings; the custodial contract; competitive bidding practices; collective bargaining; and budget guides with recommendations for modification.

8. Reference is to the present IRE action research project funded by the New World Foundation of New York City in 1976 to identify and increase citizen participation in educational collective bargaining, which forms the basis for this book.

9. The City Club is a non-profit civic organization founded in 1892. Its 500-person membership is composed of citizens concerned with the progress and future of New York City. This organization publishes a newsletter and organizes forums and conferences around issues of concern. They are located at the Hotel Biltmore, 55 E. 43rd St., New York, N.Y. 10017.

10. The New York Congress of Parents and Teachers' central office address is 11 North Pearl St., Albany, N.Y. 12207.

TWO

COLLECTIVE BARGAINING COMES TO TO CALIFORNIA: THE CITIZENS' ROLE

Jackie Berman

Statewide Network Implements Public Notice

In 1975 California passed a collective bargaining law for education. Originally called the Rodda Act after its author, Senator Albert Rodda, it has since become known as the Educational Employment Relations Act (EERA).

In many respects, the EERA is similar to other states' public sector employee bargaining laws. It provides a process for the exclusive representative of employees to meet and negotiate in good faith with representatives of governing boards of local school and community college districts. The law is consistent with the traditional industrial bilateral model in that it permits negotiating and deliberations regarding negotiations to take place in secret unless both parties agree otherwise. A three member, Governor-appointed board, the Educational Employment Relations Board, EERB, administers the act. (With the 1977 enactment of legislation giving state employees bargaining rights, the EERB has been changed to the PERB, Public Employment Relations Board.) The board members' full-time duties include setting policies, adopting rules and regulations and rendering decisions; a professional staff located in three regional offices is responsible for implementation of the act.

In spite of these similarities, the EERA differs from other state laws in one significant respect: it contains a provision for a limited degree of public involvement in the process. This provision, Article Eight--Public Notice--reads as follows:

> (a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation,

shall be presented at a public meeting of the public school employer and thereafter shall be public records.

(b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.

(c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.

(d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.

(e) The board may adopt regulations for the purpose of implementing this section, which are consistent with the intent of the section; namely, that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the public school employer, and to know of the positions of their elected representatives.[1]

Essentially these provisions require that, before negotiations can begin, the initial proposals of employees and the employer must be presented at public meetings and made available to the public. The public must have a reasonable time to become informed about

the issues to be negotiated and to make its wishes known to its elected representatives at a meeting of the school board. Subjects arising during negotiations but not included in the initial proposals must be made public within 24 hours along with school board members' vote on such subjects, if a vote is taken.

The California League of Women Voters (LWV) made Article Eight possible. League sponsorship of this controversial article was based on two beliefs: the community should be involved in educational decisionmaking; and, educational decisions are made at the bargaining table. (See Appendix B for further discussion of these issues.) The California League's successful provision for community involvement in state level collective bargaining had implications beyond the legislation itself. The lobbying effort created a core of active League members at the state and local levels who became informed about collective bargaining, understood the need for citizen access and laid the groundwork for continued citizen involvement once the bargaining process was underway.

The EERB was appointed and the EERA went into operation in January 1976. In March, the League sponsored statewide conferences on the new law; one thousand people, including state leaders of the various bargaining parties and the LWV Director, attended these conferences. The law, including the public notice provision, was fully explained and Don Davies, President of the Institute for Responsive Education (IRE), made the keynote address. His subject: "Education and Collective Bargaining--What's the Connection?"

In September 1976, the California League received a small amount of funds from IRE to assist state and local citizens' groups using the new law's public notice provisions.

Now, at the conclusion of this eighteen month effort, it is possible to describe many of our activ-

ities and informally assess their effectiveness. We hope this discussion will be of assistance to those in other states who believe, as we do, that public school systems must have the public's support and that this support will only come from meaningful citizen involvement, not from exclusionary practices.

The ingredients of IRE's California project[2] have been organization, training of leaders and citizen groups, availability and dissemination of information, visibility to decisionmakers, availability of human and financial resources, and ability to identify future needs.

Organization and Training

We developed a network including state leaders of the League, the PTA, the American Association of University Women (AAUW) and the Junior League. The network met regularly to share information about collective bargaining practices and about the implementation of the public notice provisions. We also worked closely with Charles Cheng of UCLA whose background as an academic investigator and a collective bargaining practitioner was most useful.

In addition to sharing information and ideas, network participants began educating themselves and each other about bargaining practices and citizens' roles; they also took this knowledge back to their constituent organizations. Network members appeared as speakers on local and state panels and at forums on collective bargaining. Their informed presentations and understanding of the bargaining process and its terminology added legitimacy to the idea of a role for citizens. These activities at the state level were mirrored by local-level community groups who sponsored community conferences and forums. Individuals and citizen groups in many communities thus became knowledgeable about the collective bargaining process and were prepared to take an active role responding to initial proposals and sustaining

continued activity as bargaining progressed.

Access to Information and Knowledge

The project helped network members locate and transmit information. Their sources were workshops sponsored by private, employee and school management organizations, books, articles, legislative hearings and EERB rulings. Much is available on educational and public sector collective bargaining: unions, administrative organizations, school board organizations, private labor relations firms and universities regularly hold related conferences and seminars; several state and national publications are also available. Unfortunately, these seminars, conferences and valuable printed materials are either for organizational members only or are so costly that citizens whose participation is not sponsored by a well-funded organization cannot afford to become informed. An effective method of handling this problem is for a citizens' organization to request a scholarship from conference sponsors or periodical publishers. One person can then summarize the information and disseminate it to other citizen groups. Asking for a scholarship in such situations can be awkward, but the benefits of participation justify the risk of rejection.

An extremely vital information link in California was the presence of an LWV monitor-observer at all public meetings of the EERB. As the board struggled with the problems of setting up a powerful new state agency and promulgating rules and regulations, all of their activities were reported to the League Education Director who in turn passed needed information along to network members and local League units. The presence of this citizen-monitor compensated for the fact that citizen interest groups could not afford to subscribe to the journal which reported EERB decisions and activities.

The League's EERB monitor also created a citizen presence at the EERB. Board members were quite aware

that a member of the public was observing and reporting on their actions. Both they and their staff recognized that such interest from "the public" was healthy; they went out of their way to insure that the monitor had all the information she needed to understand and report on the proceedings. Such hospitality may not be the case with more established Public Employment Relations Boards in states with no history of public interest or involvement in the process.

The California move toward public involvement has been characterized elsewhere as "inappropriate," "weird," and in other less complimentary terms. Most traditional labor relations professionals hold fast to the theory that public sector practice conforms to the private sector's dictates of secrecy. It is difficult for them to grasp the concept that the issue of democratic governance is involved in the public sector and that this issue is at least as important as traditional labor relations practices.

It is noteworthy that when California enacted a collective bargaining law for state employees in 1977, it contained a public notice provision similar to the EERA's. California's legislators and governor are now committed to some degree of open information and to a role for the public in public sector bargaining. Perhaps because the EERA legitimized the idea of public involvement, board members and staff are open to continued interest by citizen organizations. The PERB continues to include representatives of community-based organizations in its communications network and on advisory committees.

Information is a two-way process. Various types of communications--fact sheets, articles, reports and speakers--flowed from the state level to local constituencies (see Appendix C) and stimulated communications from local organizations and individuals. Most communities from the state level included specific questions about what was happening in each district: Were the public notice requirements being met? Did

the public have sufficient notice of proposal presentation? Was there time for public study? Were copies of proposals available in sufficient quantity to serve citizens' needs?

One local group, the Information Exchange Committee of Alameda and Contra Costa Counties--a coalition of the LWV, AAUW, and Junior League--did a survey of all the school districts in the two counties to determine if the public notice requirements were being met. The California PTA surveyed its membership regarding collective bargaining practices.

Formal and informal contacts showed that compliance with public notice requirements across the state was quite uneven but some school districts were doing very good things; they provided for public information and involvement beyond the minimum legal requirements. After news of innovative practices and good ideas devised in one district was disseminated by the IRE project, they were often picked up and used in others. It has been fascinating to observe the variety of local responses to the prospect of public involvement in California's nearly 1200 school districts.

Early on, the League and other citizen organizations agreed that local districts be given maximum flexibility in implementing public notice. We advised the EERB against adopting regulations standardizing local implementation. Consistent with this philosophy, community members were advised to urge their school boards to adopt local policies reflecting local needs. We suggested that explicit local policies, developed by representatives of both the negotiating parties and the public, would allow participants to know the rules of the game in advance. Issues addressed by these policies were to include timetables for presentation of initial proposals and public response, manner of distribution and availability of proposals and publicity regarding the process and manner of publicizing new subjects for negotiation.

Many districts acted on these suggestions, many did not.

Local Practices Surpassing Minimum Legal Requirements

The Berkeley Board of Education established a citizens' advisory committee on negotiations which represented the diverse interests of that politically active community. This committee received all negotiating information, observed negotiations at the pleasure of the board, developed consensus and advised the board during the negotiating process. The Berkeley board also held community meetings to solicit citizen responses to possible negotiating issues before initial proposals were formulated.

Other districts have also permitted selected citizens to observe negotiations. Several districts have negotiated in public, but this practice has been challenged by teachers' organizations, and an EERB hearing officer ruled this to be an unfair practice unless both parties agree to public negotiations. That decision is now under appeal.

Many communities have held forums at which an employee organization has explained its initial proposals before the public response is scheduled. In some places, meetings have taken place in which all parties have answered questions regarding their negotiating packages either before negotiations began or at some time during the process. Of these, the most noteworthy may have been a meeting held by the South Pasadena League of Women Voters during an impasse situation. After a factfinders' report was presented to the public, negotiators answered panel questions and requests for clarification. Settlement was reached the next day and the meeting was seen as contributing to the settlement.

Periodic reports on written negotiations were issued in several districts. In some cases, the report was signed by both negotiating parties; in others, each side issued its own report. In both,

the public was kept informed of agreements reached and of the two parties' positions on areas of disagreement. Some school districts have put out excellent summaries of the initial proposals comparing them with existing practices and analyzing their impact on the budget.

In spite of numerous promising practices, however, the bargaining parties in some districts used their energy to thwart the intent of the public notice provisions. Among the complaints reaching the IRE project director: no or insufficient copies of initial proposals for citizens to study; inadequate time to study proposals before public response; failure to provide time for public response to school board's initial proposals; and, in some cases, total disregard for the public notice requirements.

Visibility to Decisionmakers

It was fortunate that the state-level network members were people experienced in policymaking and legislative activities. Their participation in state and local forums also made them visible to state collective bargaining policymakers.

The fact that the network was known to legislators, EERB members and staff reinforced the legitimacy of citizen roles in bargaining. The network's visibility and credibility caused legislators and the EERB to ask network members for citizens' opinions of the law's implementation. These requests gave network members the opportunity to report and document the inadequacy of public notice implementation in many school districts.

Network members requested that the EERB adopt policies and procedures enabling it to hear and act on citizen complaints alleging district violations of the public notice requirements. In spite of resistance to this idea by representatives of the negotiating parties, the EERB adopted procedures for acting on citizens' complaints about public notice violations.[3]

This action is significant because, to our knowledge, it is the first time that citizens have been recognized as a "party of interest" by a Public Employment Relations Board. Generally, in public sector labor relations, only the negotiating parties--employers and employees--are allowed to bring complaints to the administrative agency. The EERB also went beyond enactment of a public notice complaint procedure by promulgating impasse regulations requiring its regional directors to include compliance with public notice provisions among the criteria determining delivery of EERB impasse services.

The California EERB members' willingness to consider citizens' needs as legitimate should be recognized as exceptional.[4] The EERB has set a tone which could permit California to move in a healthier and more open direction, creating its own traditions in public sector bargaining practices. Other states may now evaluate and even expand the California model, a model made possible by the organization, credibility and visibility of network members who created a supportive climate for policymakers willing to risk departures from the traditional industrial collective bargaining modes.

Availability of Human and Financial Resources

Concurrent with its efforts to create a statewide climate recognizing citizen needs in educational bargaining, the California IRE project provided resources which enabled citizens to take community action at the local level. Realizing that information can not be used for community action unless it is available to those who need it, we sought to increase its availability. The vehicles which transport information and know-how are taken for granted by adequately funded organizations, but citizen groups generally consider them a great luxury. Telephones, mail, automobiles and airplanes all bring information and technical help to local communities; they all cost money. IRE's project resources enabled local communities and the project director to use these vehicles

and connect with each other.

Statewide mailings were sent to all local League chapters. These described what was happening around the state, promising practices and where they were taking place, trouble spots to watch for, ways to respond to initial proposals, the latest relevant EERB rulings and news of meetings and conferences about collective bargaining. In addition to general mailings, we responded by telephone and mail to individual requests for information and occasionally traveled to local communities to appear on panels, hold workshops or advise local groups. The subjects addressed were: What is collective bargaining and what are its implications for public education? What are the provisions of the EERA? How do exclusive union representation, organizational security, definition of bargaining scope, professionally staffed negotiating teams and binding arbitration change the power relationship between employers and employees? How is the public's role affected? Why should citizens be concerned about influencing negotiations? How can citizens be effective? What should be addressed in local public notice implementation policies? When personal site visitations were not possible, we informed local citizens of people in their area to consult and use as resources.

In short, once effective human and informational resources were prepared, financial resources enabled delivery of expertise to the source of the need. The process of responding to local requests for assistance also enabled us to learn about various bargaining situations throughout the state, to identify problems and solutions, and to "spread the word." Ongoing personal contact has kept the local and state levels informed of each other's activities. It is not possible to overstate the need for direct personal contact in such situations.

Identification of Future Needs

It has become obvious during the project that

many citizen needs have not been met. It seems that we have just scratched the surface. The citizen access to bargaining provided in the public notice provisions is limited to information about initial proposals. In almost all school districts, negotiations are conducted in virtual secrecy; citizens have no access to the negotiations themselves except through self-serving leaks by the negotiating parties. Moreover, the contract is usually not available for citizen scrutiny until after it is formally adopted by the school board. These practices are legal under the present language of the EERA; they can be modified by mutual consent of the negotiating parties, but few unions and school boards have agreed to open the process beyond what the law requires.

Crisis situations--impasses and strikes--highlight the lack of reliable information available to the public. We have regularly received calls from local League leaders in such situations. Typically, the doors of access which existed previously are slammed shut when negotiations encounter difficulties and third party neutrals are brought in to mediate. While citizens are aware that the bargaining situation has deteriorated, they cannot easily, if at all, obtain the facts of the situation. Instead of facts, they are bombarded with escalating rhetoric in which one side characterizes the other as acting in bad faith. An atmosphere of hostility and distrust prevails as each side attempts to win public support and strengthen its negotiating position.

Third party neutrals believe that settlement can best be reached when a veil of secrecy covers the actual facts of the dispute. They base their belief on the theory that neither side would be able to compromise if both parties' positions and the true facts of the dispute were made public. In practice, this theory leaves citizens with no reliable information on which to base decisions; citizens are faced with the question of whom to believe as they try to determine which party, if any, is acting in the best interests of the educational program.

IRE's California project sponsored a meeting which brought together state network members with 24 community representatives from six San Francisco Bay area school districts which were at impasse or had experienced strikes. Those attending agreed on three major needs in crisis situations, the most important being accurate information. In several districts, community organizations had attempted to meet this need by preparing and distributing fact sheets, sponsoring T.V. shows, holding community meetings and setting up telephone hot lines with "cleared" reports from both sides. It is remarkable that these community people accomplished so much with little or no financial resources. Meeting participants cited two other community needs during negotiating crises--written materials aimed at community concerns and resource people with whom local groups could consult about constructive and appropriate community behavior during crises.

The role of the community in these situations is in an evolutionary stage. There is evidence of local League chapters and other community organizations playing unusual quasi-mediating roles. When community groups successfully developed a mechanism for clarifying issues, this mechanism often became a mediating influence which both parties utilized in attempting to seem more reasonable and win public support. Having to clarify their positions in response to community pressure for accurate information seems to have brought the two parties closer together; thus in situations where the community demanded factual information, it effectively functioned as a third party neutral.

A curious characteristic of public sector collective bargaining becomes clear to the community when each party--the public employees and the elected officials--simultaneously advocates three needs: secrecy in bargaining, trust in the negotiating parties, and public support for its side when the information provided is partial and biased. An appropriate citizen response to such a patronizing

approach would seem to be, "I don't know what you know, and until I do, I don't intend to support any side." To the degree that the community has been able to make this point, its influence has been constructive. Experiences in California support the need for further investigation into the role of the community as a mediating influence.

Finally, there is still a great need to educate citizens regarding the importance of their participation in educational collective bargaining before a crisis occurs. It is particularly important for citizens to understand their school district budgets; to this end, they must insist on a budget process and format which they comprehend and on outcomes which they can influence before, not after, crucial decisions are made.

Conclusion

The California experience has shown that there is a role for citizens in educational collective bargaining. In California their role has been validated by including public notice provisions in the law. Public notice is a door into the process. How far that door will open depends on how well equipped citizens become in using it and how much pressure the negotiating parties will apply to keep the door shut. It is our belief that all those who support public education should spend their energy finding ways to include the community in collective bargaining. The California IRE project has contributed toward that goal but the project is not an end, it is only a beginning.

Chapter Notes

1. Educational Employment Relations Act (Rodda Act or SB 160), Article 8, 1975.
   Copies of the act are available from:
   Public Employment Relations Board
   923 - 12th Street, Suite 201
   Sacramento, California 95814
   Telephone: 916-322-3088

   Two publications help clarify the Rodda Act. One, by Paul Prason, Associate Director of UCLA's Institute of Industrial Relations, is "Understanding the Rodda Act," published December 5, 1975. The other is "Report on the Rodda Act #1" (San Francisco: League of Women Voters, February, 1976). A mimeographed publication, (#M762/1), it is available from:
   League of Women Voters of California
   942 Market Street, Suite 505
   San Francisco, California 94102
   Telephone: 415-986-1532

2. IRE's California project, also called the Information Project on Educational Negotiations (IPEN), is located at:
   810 Miranda Green
   Palo Alto, California 94306
   Telephone: 415-948-7425

   IPEN is funded by the Rosenberg Foundation and directed by Jackie Berman. IPEN's co-director is Ellen Ainsworth. An information-sharing and advocacy project to help citizens and communities implement the Rodda Act public notice provisions, IPEN has recently published You, the Schools and Collective Bargaining: A Handbook for California Citizens. Copies of this free publication are available from the above address.

3. A copy of the EERB's public notice complaint procedure can be found on pages 9-12 of the Educational Employment Relations Board Bulletin.

Vol. 2, No. 3, June 1977. Copies are available from:

Public Employment Relations Board
923 - 12th Street, Suite 201
Sacramento, California 95814
Telephone: 916-322-3088

4. An example of EERB members' recognition of citizens' needs and interests can be found in a January 15, 1977 article in the Sacramento Bee by Dr. Ray Gonzalez, EERB member since 1976. Gonzalez identifies four concerns related to the Rodda Act: the growth of "carpetbaggers" specializing in educational bargaining; the need to differentiate between the demands of the public sector and the private sector; the lack of significant decline in strikes and work stoppages; and, the public's loss of control over local school districts.

He then explores each of these factors thoroughly and notes:

> It is amazing that in this post-Watergate period of American history, public employees and employers are fearful of allowing the public, in a modest fashion, to understand what is going on in public-sector collective bargaining.
>
> It should be apparent to public-sector labor relations participants that a new dawn has come. Groups such as the League of Women Voters, Common Cause, Nader's Raiders, and Public Advocates are, with great success, guaranteeing the public no longer will be kept in the dark about government actions.

THREE PUBLIC NOTICE IS NOT ENOUGH

Janet Chrispeels

THE SAN DIEGO UNIFIED SCHOOL DISTRICT: A BRIEF DESCRIPTION

San Diego Unified (SDUSD), the second largest school district in California (118,000 pupils), is relatively well managed; it is in reasonably sound financial condition and its leaders are supported by the business and political establishment. SDUSD is one of 16 school districts contained within boundaries of San Diego, a city of 800,000 located on the Mexican border.

The school district is an independent governmental entity with its own governing board and the right to levy taxes. It has a $260,000,000 budget, 169 schools and approximately 10,000 regular and 4,000 hourly employees. The district's racial composition is 64 percent white and 36 percent minority (15 percent Spanish speaking; 15 percent Black; 6 percent Asian; and, 0.3 percent Native American). SDUSD is currently under court order to desegregate 23 minority-isolated schools.

While overall enrollment, and in particular, the number of white pupils in many parts of the city, is declining, enrollment has increased in other rapidly growing areas. In 1974, district voters approved a bond measure adding 20 new schools to meet the needs of these growth areas.

In 1976, however, voters defeated a proposed increase in per pupil expenditures by an overwhelming majority but a state-funded school finance package averted a fiscal crisis. Inflated housing assessments and property taxes, the economic slowdown and the large number of registered voters without children in schools--77 percent--in many parts of the city undoubtedly contributed to the tax measure's defeat.

The Governing Board

A five-member board, nominated by voting district and chosen in a citywide general election, governs the district. Of the five, one is Black (now serving his fourth term) and four white; two are women and three men. Although Chicanos and Asians live in the district, they have never been represented on the board. The average age of the board members is fifty and only one still has children enrolled in SDUSD schools. Each board member receives $600 a month in compensation but none has any staff or office space; they share the services of one secretary. Their primary source of information is the superintendent and his staff.

The superintendent is appointed by the board and serves at their discretion. The present superintendent, hired in April 1971, has had his contract renewed three times and the current one runs until 1981. In the last few years, vacancies at the top administrative level have been filled from within the district.

The board has been deeply divided over the last four years, with one member frequently at odds with two others and the superintendent; citizens trying to provide the board with information have occasionally been caught in the crossfire. In the last election, however, the dissident board member was defeated.

SETTING THE CONTEXT: CITIZEN PARTICIPATION IN THE SCHOOL DISTRICT

The district's attitude toward citizen participation is ambivalent. District-initiated opportunities for participation dry up, creating difficulties for both the board and citizens, just when meaningful participation seems imminent. Citizens, whose expectations rise with the opportunity for involvement, become discouraged when their recommendations are neither accepted nor implemented. The board

supports the concept of citizen involvement, but rarely utilizes its results, as the following examples illustrate.

Participation at School Board Meetings

One of the board's two weekly meetings is open to individuals and organizational representatives who wish to voice their opinions and present new ideas. On entering the meetings, however, citizens are put at a physical and psychological disadvantage because the board and its staff sit on a dais. Physical distance reinforces power discrepancies.

Then comes discussion of the decisions at hand; that usually entails acceptance or rejection of proposals developed by the superintendent and his staff. While offering alternatives or speaking in opposition to administration proposals, citizens are cast in an adversary role and board members seldom respond to or question citizen presentations. Such practices hardly encourage meaningful public participation.

This is not to say that the board never takes notice of the public's views. If citizens are well organized on a particular issue and enough of them appear at a meeting, the board does respond. Usually their responses will address the concerns of one local school or a special group--restoration of music program funds, overcrowding at certain sites, discontinuation of night football. Response to such issues is of course the exception rather than the rule; it does not provide a measure of the board's receptiveness to new ideas from the public about ongoing school district operations.

District-Organized Citizen Participation

In this large, diverse and geographically dispersed district, citizen participation has never been very well organized on a districtwide basis. The Ninth District PTA, encompassing both San Diego and

Imperial County schools, is the only group systematically represented on all district committees; a separate SDUSD PTA does not exist. Therefore, many issues that come before the San Diego board are not addressed by the existing PTA.

In 1972, a districtwide committee was formed to set district educational goals in compliance with state legislation passed in 1971. The Goals Committee was composed of individuals from individual school site committees in all parts of the city. The committee labored for three years integrating individual school site ideas into district-level goals; each year it submitted a report to the Board of Education. In the third year, it developed a cost analysis of its recommendations and stressed the need for each program division of the Central Administration to address the goals committee's recommendations when establishing budget priorities. The board failed to respond to the committee's reports and recommendations, participants became discouraged and the committee was disbanded.

When the spring of 1976 rolled around, the superintendent formed a "Blue Ribbon Committee" to examine district financial problems. After nine months, it submitted a report to the board but, to date, there has been little discussion of that document and few of the substantive issues it raised have been acted on.

The most recent citizen participation effort was the March 1977 establishment of a 70 member Citizens Advisory Commission on Racial Integration (CACRI). Many of that commission's recommendations to the board were incorporated into the integration plan submitted to the court in June. Now, however, the district has backed away from the two most controversial recommendations: "limited mandatory assignment of pupils, if necessary"; and, use of pairing and clustering as an integration technique.

CACRI worked hard and well during its first

months of existence. After submission of its report, however, it no longer had a clearly defined purpose. Many Commission members felt there was more work to be done--educating citizens about the San Diego Integration Plan, observing and monitoring the district's integration activities--but their efforts to reorganize for these tasks were unsuccessful.

Then, in a surprise move, the board president reduced the Commission from 70 to 15 members in January 1978; this move eliminated individuals concerned about the Commission's future role and citizen-selected representatives from the 21 junior high school areas. On a critical issue like school integration where community support and involvement is essential to success, the board's precipitous move was counterproductive but it was consistent with the district's inability to cope with active citizen involvement.

Citizen Participation at the School Site

Four organized groups channel citizen participation at the school site--PTA, Citizen Advisory Committees (CACs), School Advisory Committees (SACs), mandated by federal legislation and the Early Childhood Education (ECE) Committees required by the state.

In 1972 the board mandated Citizen Advisory Committees in every school to advise the principal on issues such as discipline, facility needs and curriculum. The Committees are composed of the principal, citizens and parents from the attendance area of each school; teachers are not officially represented. The effectiveness of these committees depends largely on the principal's openness and the chairperson's ability and dedication. No structure links CACs in different sites, nor is training offered to citizens and principals. As San Diego does not have school site budgeting, CACs make no decisions about allocations of funds. The CACs' potential is now limited by the district's failure to adopt

policies or initiate activities encouraging their development.

Early Childhood Education Committees provide a stronger vehicle for citizen involvement at the school site. These committees, consisting of parents and teachers, seek to improve instruction in grades K through 3. Their proposals involve curriculum changes, staff and parent education programs, recruitment of parent volunteers and hiring of instructional aides. If the district accepts the committee's proposals, the state may then fund the school and the school site ECE committee becomes responsible for implementation and evaluation of its plan. To some extent, the SACs formed in compliance with Federal requirements have an authority similar to the ECE Committees over expenditure of program funds. And, unlike the CACs, both the ECE committees and SACs are linked by district advisory committees.

LABOR RELATIONS BEFORE THE RODDA ACT

There are 5,943 teachers in the SDUSD, of whom 4,000 are members of the San Diego Teachers Association (SDTA), an affiliate of the California Teachers Association (CTA) and the National Education Association (NEA). Most of the remaining teachers belong to the San Diego Federation of Teachers (SDFT), an affiliate of the American Federation of Teachers (AFT), but a few belong to the Professional Educators Association.

From 1969 to 1976, the board's negotiating team of seven administrators negotiated with the Certified Employee Council which had five representatives from the two major teacher organizations. Employee membership on the council was approximately proportional to organization membership, with one representative from the SDFT and four from the SDTA. Since 1969, teachers have had a written agreement with the school district, an agreement designed by a professional negotiator hired by the administration and experienced in private sector labor relations.

His presence ensured that "meet and confer" sessions were conducted at a fairly sophisticated level during the eight years preceding the Rodda Act. Competition between the two main teacher organizations and the lack of an exclusive representative--one organization bargaining for all teachers--undoubtedly strengthened the district's position during those years.

The district has maintained a dual posture toward collective bargaining. The Board of Education and top district administrators waged public war against collective bargaining, but privately prepared themselves for it, using the private sector model. For example, the administration introduced team management in 1976 in order to bind approximately 480 central administrative staff and building principals to their side. The Administrators Association accepted this concept when its members voted to remain as management personnel rather than form a separate bargaining unit.

In February 1977, the San Diego Teachers Association won the union representation election made possible by the Rodda Act by a two-to-one margin over the SDFT. The SDTA, as the teachers' exclusive representative, and the district then entered bargaining under the Rodda Act's provisions in May 1977. While SDTA leadership may have reservations about citizen involvement in bargaining, they have not expressed them as openly as their parent organization, the California Teachers Association. In fact, the SDTA leadership has been most willing to participate in all community forums on collective bargaining.

Implementing Vasconcellos

In 1974, the California State Legislature passed the Vasconcellos Bill (AB 4114). That bill required local boards of education and employee groups to publicize their initial bargaining positions prior to "meet and confer" sessions but it left adoption of specific policies implementing public notice provi-

sions up to the discretion of the local boards. California's League of Women Voters (LWV) had been instrumental in securing passage of AB 4114, and consequently worked to ensure that local boards of education adopted appropriate policies. The San Diego League began a four year effort urging the SDUSD board to adopt a public notice policy and educate citizens in the use of the success that Vasconcellos provided.

Discussion between the San Diego League and the deputy superintendent led, in 1975, to adoption of one of the first policies in the state implementing AB 4114. Realizing that adoption of such a policy was essential to implementation of AB 4114, the League made position non-negotiable. While the position itself was correct, the League failed to include employees in discussion of the proposed policy. Consulting both teachers and classified employees would have demonstrated the League's impartiality and encouraged better communication among board members, citizens and employees. A year's implementation revealed several shortcomings in the policy. The board was not required to offer its own proposals; it either rejected employees' proposals on the grounds that they were already district policy or said the district would "meet and confer" on these items. A more complete response would have explained the board's educational priorities as well as its goals and objectives in bargaining.

Announcement of availability and distribution of initial proposals was quite limited and the time allotted for public response was too short. The definition of "initial proposal" also seems inadequate. After negotiations began, the district introduced a completely new item on additive pay without giving any public notice. SDTA brought this to the League's attention and stressed that the new item really was an initial proposal. The district, on the other hand, did not regard the item as an initial proposal because of its date. The board policy's

definition of initial proposal could not resolve this difference.

IMPLEMENTATION OF THE RODDA ACT'S PUBLIC NOTICE PROVISIONS

In December 1975, the San Diego League saw a chance to correct the shortcomings of the "meet and confer" policy by amending it in conformance with the recently passed Rodda Act. The League realized that more citizens needed better information about collective bargaining if their participation was to be meaningful. The League also felt that only a coalition could achieve substantive changes in public information procedures so it invited 20 community groups including the Chamber of Commerce, Taxpayers Association, National Organization for Women and Urban League to form a coalition to carry out the Rodda Act's Public Notice Provision. Seven organizations--NOW, PTA, the Urban League, Communities United for Education, Citizens United for Racial Equality, Parents for Alternatives and the Community Education Committee--sent representatives to the first meeting. The PTA did not formally join the coalition, but attended meetings and separately endorsed the policy changes. For many, this was their first introduction to collective bargaining and their first opportunity for citizen involvement in bargaining.

After several meetings, the coalition presented a statement to the Board of Education on April 6, 1976 and held a press conference covered by several radio stations, one television station and one of two daily newspapers. The press conference informed the public that the San Diego Board of Education had not complied with the spirit of the law and demonstrated the need for a new policy. The television station's evening news carried an unidentified Board member's response that the coalition would receive a "cool reception." The newspaper chose not to run the story; instead, it covered a large delegation of parents at the Board meeting requesting restoration

of night football.

The press conference and coalition showed that the League was not alone in its concern with public participation in collective bargaining; these moves caught the admistration by surprise and the board did not respond to the coalition's statement. As San Diego had been one of the first districts to adopt a policy implementing Public Notice, the administration and the board may have felt they were being unfairly criticized. After a month, however, administration representatives and coalition members met to work out changes in distribution and response time policies.

Distribution of initial proposals was widened with one copy to be placed in a prominent location at each school and one in each branch library. Citizens regularly receiving board agenda were to be notified where and when initial proposals would be available.

The time line for public response before negotiations was more clearly defined; now the public has 30 days to respond to employees' proposals and six additional days to respond to the board's proposals. There were two reasons for the 30-day period: most citizens groups meet once a month and need that long to respond; historically, the district has taken at least that long to put together its response. Incorporating time for public response after the board presented its proposals was an interpretation of the law that the State League had not yet made. While the length of time agreed on for public response was an important achievement, it created a discrepancy between requirements for employees and for administration. Citizens were given a much longer time to respond to employees' proposals than to the board's but neither the board nor the employees' representatives would consider delaying negotiations for another month to allow more time for citizen participation.

The teachers' exclusive representative had not

yet been chosen in 1976 so negotiations under the new law proceeded with the CEC as in previous years. The board continued to react to employee proposals instead of presenting its own. At the public meeting where the teachers made their proposals, one board member commented that the teachers were being greedy but that the board also had no goals of its own. She felt the board should make its own proposals--a longer school year, limits to the length of time a teacher could stay at a site, improved discipline policies and more budgeting control at the school site.

The summer recess brought an end to this phase of the coalition's efforts. The coalition had much more impact than one organization could ever have had but the modifications achieved in the public notice policy were small. If the coalition had sought a lawyer's assistance it might have defined "initial proposal" more clearly and avoided later problems. The coalition also should have spent time talking to individual board members explaining why the public should be informed and involved in the collective bargaining process because, at this point, most board members still consider secrecy essential to successful negotiations. From the League's point of view, the most discouraging outcome was that individual organizations in the coalition did not respond to either the employees' or the district's initial proposals. Time constraints and limited experience with collective bargaining no doubt contributed to their lack of response.

The IRE Collective Bargaining Project in San Diego

June 1976 might have signaled the end of League involvement in collective bargaining were it not for the Institute for Responsive Education's response to the League's request for help. IRE selected San Diego as one of two California sites to explore further citizen involvement in bargaining. The coalition was revived and invited other community groups to join.

The coalition's first activity was an all day

informational workshop on the Rodda Act and collective bargaining. Workshop materials and format were developed cooperatively by the local project coordinator and Charles Cheng of IRE. Each participant received materials providing background information on the pre-collective bargaining era Winton Act, the EERA or Rodda Act, the SDUSD policy implementing Public Notice, information from the State League explaining the Public Notice Provision and a brief description of the various participants in bargaining--CEC, the Classified Association, the district negotiator and the administrators. These materials proved useful long after the workshop was over.

Two of the workshop's teaching techniques enabled lay people to learn about bargaining in a short period of time. First, a film, The Dynamics of Negotiating in Public Education, showed what a bargaining session between teachers and district representatives was like. Second, participants played a simulation game revealing each party's role and the power struggle which occurs during bargaining. After the game, participants noted that the private sector's two party, adversary model might meet the organizational needs of the two party bargaining parties, but doubted if it adequately addressed the needs of children in the classroom.

While the workshop was successful, it only reached a small number so the coalition then considered ways to share its information about these issues with a wider audience.

Three Community Forums

During February 1977 the coalition planned three community forums. The forums were to focus on the SDTA's initial proposals, expected for March 1. Unfortunately, the proposals were not presented until late March, after two forums had been already held. (The SDTA had won the representation election in early February, but the losing SDFT had filed an unfair labor practice against the district. The charge was

later withdrawn, but the filing delayed the Educational Employees Relations Board's certification of the SDTA as exclusive representative for several weeks.)

At each forum, the board member representing the area where the forum was held and a representative of the SDTA participated in a round table discussion. A coalition member presented an overview of the Rodda Act and discussed the significance of the Public Notice Provision. The board member and teacher representative explained how their initial proposals were put together. As different board and teacher representatives participated at each meeting, the forums also differed one from the other.

Press releases were sent to all area newspapers, but only one carried an announcement and none sent reporters to any of the forums. Flyers announcing the forums were distributed through PTA unit meetings or mailed to key individuals. Attached to each flyer was a sheet listing a number of negotiating items such as class size, teacher leaves and discipline policy. Citizens were invited to respond to these items, stating what they would like to see teachers bargain for and how they would like to see the board respond. These response sheets, although not a sophisticated survey instrument, directed citizen attention to the kinds of decisions being made in collective bargaining, especially to those decisions which directly affected their children. They also were useful in gathering citizen opinion. Over fifty responses were collected from citizens who attended the forums or from others who, encouraged by a parent who had attended a forum, filled them out at the school site. The coalition presented the responses to the board at a public hearing but the board showed no interest in the community's opinions. It asked no questions and made no comments.

Both parents and teachers found the forums helpful. Parents had an opportunity to express their views about such issues as smaller class size, tenure

and discipline. Teachers were able to show parents that they were concerned with more than wages and fringe benefits. Parents learned about procedures (surveys, interviews and active teacher participation) used to draft the SDTA's initial proposals. Parents also learned that they had no access to the board comparable to the employees' access to their representative in bilateral negotiations.

The coalition also learned several important lessons from the forums. First, citizens need much more information about collective bargaining, its terminology and its relationship to the budget in order to respond to the initial proposals. Materials explaining collective bargaining clearly and simply, materials which outline a series of steps citizens can follow to make their views known are essential.

Second, citizens are most able to affect decisions made during bargaining by working through organizations like school site councils, PTAs and other community groups. Forums should thus be part of regularly scheduled meetings of such groups. The one forum organized in this way was best attended. The coalition had decided to hold the forums on neutral territory--a recreation center, a YWCA and a church--rather than in schools, but it now feels a school setting would have drawn more people, especially if it was used in conjunction with a regularly scheduled school meeting.

Third, the coalition learned that such forums should include representatives from the classified employees organization because including them would recognize their significance and lessen the feeling that board members and teacher representatives are pitted against each other.

The final lesson learned was: board members can shed little light on how collective bargaining works from the administrative point of view because they do not play an active role in responding to employee proposals or in bargaining itself. Had the

coalition involved an administrative representative who actually did bargaining, the forums could have been even more informative.

While the forums were not as well attended as hoped, they were probably as successful as they could have been. The newspapers were not interested or concerned with collective bargaining in March; the issue then was integration because the court had just issued an order to integrate the schools. This new mandate overshadowed the issue of collective bargaining. Little did citizens know that collective bargaining would reach crisis proportions in June, when San Diego had its first teachers' strike.

The Strike and the Citizens

Negotiations on the teacher contract began May 11, 1977. Tensions between the SDTA and the district were considerable because, for the first time, negotiations were taking place between an exclusive representative and the district. Both sides were determined to show their strength and avoid weak positions which could affect future negotiations.

As part of its bargaining package, the district proposed restructuring the salary schedule to reduce some employee wages and it offered no salary increases. Two reasons were given for these positions: the district did not know how much state aid it would receive; and the district did not know how much integration would cost. The superintendent suggested, in a television interview, that savings from salary schedule restructuring could be allocated to covering the costs of integration.

In response, the SDTA launched a "sick out" at selected schools. By the third day, over 800 teachers were "out sick." At one high school, students walked out in support of their teachers. The district then withdrew its proposal, stating that their move was not a response to the "sick out" but a show of good faith and an attempt to get negotiations under way. Nonetheless, each side seemed to

have reached an immovable position. Both sides spent the week prior to June 6th preparing for a strike. The district, for example, ran several newspaper advertisements for teachers offering $50 a day, $15 more than the normal substitute rate, to any adult 18 years or over who would take a classroom. On Friday, June 2nd, negotiations broke off, just three weeks after they had begun.

The strike lasted four days. Schools remained open the entire time, but classes were hardly normal. While each side has its own figures, it seems safe to estimate that 55 to 65 percent of the teachers went on strike.

The district sought an injunction to halt the strike, but the hearing was not scheduled until one day after the walkout. The injunction was issued on Wednesday, but the SDTA Board voted to remain on strike until the school board had passed a no-reprisal clause.

At a special meeting Wednesday afternoon, two key school board members announced their intention to support a no-reprisal clause. At this point, there seems to have been yet another breakdown in communications. The teachers, who were rallying at the same time that the school board was meeting, failed to receive word of the board members' intentions and voted to stay out until a no-reprisal clause passed. The message delivered to the school board, however, was that the teachers would stay out regardless of the board's vote on the no-reprisal clause.

Considerable newspaper coverage was given to the events leading up to the strike, the strike itself and the resumption of classes after the strike but neither paper picked up on the problem of the confused messages, a problem which probably prolonged the strike by another day. Both papers opposed the strike, but one was more adamant than the other. Their coverage was reasonably well balanced and the issues dividing the two sides were

clearly stated. Both papers printed numerous letters to the editor, slightly more of which favored the teachers' position than opposed it. This trend reversed, however, when teachers stayed out after the injunction was issued.

What role did the coalition play? Essentially, it took no active role during the strike. Members found it one thing to address the Public Notice issue or talk about responding to initial proposals, but quite another to deal with a strike situation. Individual coalition members did receive numerous calls from citizens asking for information during the strike, no doubt because their work on collective bargaining issues was already known. But different kinds of training and materials are needed if citizen groups are to act effectively during a strike.

Two factors worked against an active role for the coalition. First, it did not have enough cohesion or time to organize effective action during the strike's four days. The PTA, a logical group to be involved during a strike, did not have the resources for printing and distributing fact sheets on such short notice. Second, those citizens most involved in education, many of whom were also coalition members, were completely exhausted from working on the integration issue. Juggling the demands of two major issues, like collective bargaining and integration, was just not possible.

The strike produced no winners, but it did produce some interesting developments. When the board voted for the no-reprisal clause, the chief negotiator and director of labor relations for the school district since 1969 resigned. Also, the board's public expressions of hostility against teachers and collective bargaining have diminished. This is not to say that there is much trust between the two groups, but communications have improved somewhat. As one district representative noted, "The strike seemed to clear the air."

Finally, the strike dramatically increased awareness of collective bargaining among leaders of community organizations which formerly had been inactive on this issue. In late July, the San Diego Taxpayers Association made a statement to the board urging it to be more responsive to citizen concerns: "...we feel that the board must view the community as its constituency in the same way the leadership of a teachers' union sees the teachers as its constituency." The Taxpayers Association asked the Board to design a policy that would "implement a systematic method for more two-way communication with the community." This organization's recognition of the need for citizen involvement in collective bargaining was very gratifying to the coalition; it also gave the coalition a chance to expand its membership.

Sponsoring a Collective Bargaining Conference

In the fall of 1977, the League asked community organizations to join in sponsoring a citywide conference on collective bargaining. The groups contacted had all expressed an interest in the project; they represented a cross-section of groups concerned with educational issues; they could bring word of the conference to a large number of individuals; and, they could increase awareness of collective bargaining in the public sector as a public issue. The Chamber of commerce, Taxpayers Association, Urban League, PTA, Junior League, Common Cause and a branch of the AAUW agreed to join the League in sponsoring the conference. They listed their names on the brochure, mailed it to members and attended conference planning meetings. The League did most of the organizing work; financial support came from IRE and individual registration fees.

It should be noted that the coalition sponsoring the conference represented a configuration of groups somewhat different from the original eight. Three groups heavily involved in integration withdrew. They were Citizens United for Racial Equality, the

Community Education Committee and Communities United for Education. The last group also differed with the Taxpayers Association on several educational issues and disapproved of including that association because it had been so critical of the striking teachers.

The day-long conference had two themes: statewide issues in collective bargaining and local problems and perspectives. The morning began with an overview of citizen perspectives on bargaining. A panel with a mediator, a negotiator for CTA, a negotiator for school boards, a citizen from Berkeley, California, who had served on a negotiations advisory committee, and representatives from the Public Employee Relations Board (PERB) and the State Department of Education followed the overview. The exchange of views and ideas was stimulating; interaction was high.

The afternoon program reviewed ways citizens are involved in collective bargaining in other California cities and across the country. Examples such as negotiating reports, citizens' advisory committees on negotiations and community forums were cited. A panel composed of the San Diego Board of Education president, the president of the SDTA, the president of the Classified Association and two negotiators, one from SDUSD and the other from the community college district, completed the afternoon program. These panelists felt the public was represented through the elected school board and needed no further representation or access to information. They focused on the most extreme suggestion (a third party at the bargaining table), opposed it and reaffirmed that secrecy is essential to bargaining. The panelists revealed that all current parties to bargaining--employees, administrators and board members--agree that citizens should not be actively involved in collective bargaining. Neither side was willing to explore ways to foster more citizen participation: "Public Notice is enough!"

In spite of a considerable advertising effort

(radio and television spots, written flyers and newspaper contacts), coverage of the conference was disappointing, especially when compared with coverage of the strike. A brief announcement appeared in most major newspapers but none did a pre-conference story about collective bargaining. Only one paper carried a story about the conference itself. Several radio stations, however, conducted interviews with panelists from the morning session.

The conference was geared to the general public and it attracted a very diverse audience of 135. Many of the smaller school districts in San Diego County sent board members or administrators. There were several principals, classified employee representatives, teacher representatives and citizens from all types of organizations and affiliations. The audience was also diverse in its male-female and majority-minority composition. The conference's success can be measured in several ways. Eight major community organizations had joined together to share information on a significant issue facing public education. Written evaluations indicated that the varied groups attending received both the program and information packets very well.

They found that the program helped to raise their level of understanding. More important, however, the written evaluations encouraged participants to indicate interest in other collective bargaining activities; the coalition now has a list of at least 45 individuals who are interested in knowing more about, and perhaps becoming actively involved in, collective bargaining. More activities and ways to expand the base of involvement are now being explored.

The conference also demonstrated that expanding citizen involvement in San Diego Unified will not be easy but perhaps the efforts of San Diego citizens will serve as a catalyst to citizens, boards of education and administrators in communities more receptive to citizen participation in educational collective bargaining.

CONCLUSION

Four years of observation and participation have taught the San Diego League that public sector collective bargaining is a decisionmaking process that affects educational policy. It deserves as much citizen attention and concern as laws drafted by or policies adopted by boards of education. Decisions made during bargaining are especially important because so much of the budget goes for personnel costs and also because the decisions affect not only salaries and fringe benefits, but also class size, discipline policies and other important educational issues in which citizens deserve a voice.

While trying to make collective bargaining a public issue, the League has identified some of the barriers to citizen access and influence. A major one is the jargon and secrecy shrouding bargaining. Discussions about personnel matters have always been conducted in private. In the public's mind, collective bargaining is largely a personnel issue, not a policymaking process. In San Diego, the board and administration subscribe to the belief that secrecy is a prerequisite to successful bargaining. They did comply with minimum implementation of the Rodda Act's Public Notice Provision but are unwilling, at this point, to encourage further citizen involvement.

A second barrier is the administration's and board's attitude toward citizen participation. They view organized citizens' groups like the League of Women Voters, Urban League, Taxpayers Association and Communities United for Education as adversaries, not as allies, supporters and resources.

The absence of a districtwide citizens' group focusing solely on educational issues points out another obstacle to full participation. Many of the organizations involved in the coalition have multiple interests; education represents only a small part of their concerns. This experience made it appear that a loose coalition composed of members with other and distracting major

interests cannot be as effective as a group with a single focus to channel the energies of concerned citizens. Without the persistent lobbying for more significant citizen involvement which a more permanent, singly focused group could provide, the Board of Education is unlikely to increase involvement.

Recognizing these barriers points the way toward further action. Working with school site councils, school advisory committees and PTA units may be the most effective way to increase public awareness and involvement. Individuals serving in these groups have already expressed a commitment to education. Helping them understand the bargaining process and its impact on their schools is probably the key to full use of the Public Notice Provision. Working for districtwide links among these school-based groups could make an SDUSD citizens' group on education possible.

Adoption of a policy implementing the Public Notice Provision was a major achievement for the League and the coalition. The initial steps have also been taken in the long, slow process of educating the public about collective bargaining and involving them in this decisionmaking process which so strongly affects their children's education. An important first step providing a minimum of citizen access has been taken; that step, however, cannot by itself guarantee public involvement in bargaining. Much more remains to be done if the public is to use the Rodda Act's Public Notice Provision and the board's policy as points of access to information and decisionmaking.

FOUR

CUPERTINO COLLECTIVE BARGAINING PROJECT

Roberta Hollimon

In the fall of 1976 the Cupertino Union School District (CUSD) faced the possibility of a teacher's strike, the second in three years. This time, however, there was a difference--a citizens' group had formed and was prepared to act.

The League of Women Voters of Cupertino-Sunnyvale had been asked to collaborate with the Institute for Responsive Education (IRE) in an action research project to "identify and increase effective citizen participation in collective bargaining in education." As the CUSD and the teachers had just started negotiating under the Rodda Act, California's new law governing collective bargaining for educational employees, the League had an opportunity to get in on the ground floor of the development of a new process, collective negotiations for school employees.

A Profile of the Cupertino Union School District

The Cupertino School District (elementary grades K-8) has a reputation for innovation and the community has been very active and vocal on education issues. Cupertino, located about 40 miles south of San Francisco, was the site of rich farm land prior to World War II. The district served a stable student enrollment of under 500 students but accelerating postwar growth changed this pastoral scene. Fueled by rapid expansion of electronics, space and related industries, a population increase of white professional workers pushed enrollment to more than 3200 by 1955. Student enrollment reached a peak of 23,309 in 1969-1970 but since then, Cupertino has experienced a steady decline in student population, a decline similar to that occurring throughout the nation. The decline in enrollment led to the closing

of five schools at the end of the 1974-1975 school year. By 1976-1977, enrollment had dropped to 18,331 and a five-year projection indicates enrollment will stabilize around 14,500 or 15,000. Still, Cupertino remains the largest elementary school district in the state.

Ethnically, the district is predominantly white.*

RACIAL-ETHNIC GROUP	PERCENTAGE OF STUDENT POPULATION
White	90.65
Asian	4.21
Hispanic	4.2
Black	0.89

(Percentages cited are for 1976-1977.)

District scores for student achievement on state reading tests in 1976-1977 were in the top ten percent. Overall scores on state tests exceeded predicted achievement in math, spelling, reading and writing.

Cupertino's reputation for pioneering in constructive education innovations is based on its open space schools, mainstreaming of exceptional children, and alternative educational programs. In 1977-1978, the district also had 22 schools participating in the state's Early Childhood Education (ECE) program.

The district operates 30 elementary schools (K-6), six junior high schools (7-8), and one school for trainable mentally retarded students. In June

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* Fact Sheet, Cupertino, CA.: Cupertino Union School District, 1977.

1977, classified employees numbered 500 and certified employees--teaching staff in the bargaining unit--totaled 910. Teacher salaries for 1976, a central issue in the negotiations dispute, averaged $17,370 with an additional $2,225 in fringe benefits.

The district responded to increasing parent demands for participation in school programs with advisory committees responsible for joint decision-making in planning, implementation and evaluation of the school program in each school. The majority on each of these committees is non-staff.

Except for declining enrollment, Cupertino in 1977 did not appear to be beset with the problems often associated with urban schools. It was an above average, middle class suburban school district, hardly one where you would expect two teacher strikes in three years.

Initiation of Cupertino's Collective Bargaining Project

The League of Women Voters (LWV) in California has a history of activism in education at both the state and local levels. Since its formation in 1973, the Cupertino-Sunnyvale League had an education committee active in special education, school budgets and revenue measures. Members are viewed by the public, school administrators and teachers as knowledgeable and objective on education issue.

Because collective bargaining was important to the League's education committee, members decided to join IRE's project. The project's reimbursement for expenses enabled us to print and mail as much material as necessary, but the most valuable assistance came from IRE's staff. It helped develop new skills and provided insight that only an outsider could give. Most important, there was someone to call on when we needed assistance.

As the League had developed a coalition with the Parent-Teacher Association (PTA) and the American Association of University Women (AAUW), when developing a school district policy on Dissemination of Election Material and sponsoring a community seminar entitled "Schools: Yours, Theirs, Ours," it invited these two groups to join the study. The president and a few members of each organization did join and thus continued the coalition. This combination of three groups gave the project more strength and prestige than any single group could have offered it.

A Cursory Description of Negotiations in Cupertino

Bargaining between the California Education Association (CEA) and the CUSD began in February 1976. Five negotiating sessions took place during the summer but little progress was made. On September 3, 1976, the CEA declared an impasse, indicating that scope of bargaining was the major source of dispute between the two sides. Following the CEA's declaration, the state appointed a mediator to resolve the dispute but over 100 hours of talks failed to produce a settlement. On October 6, the teachers went on strike and the conflict was finally settled after 12 days on the picket lines.

At that time, the two major issues separating the parties were the teachers' salary schedule and binding arbitration. Other issues still outstanding were class size, an agency shop proposal, length of contract and number of working days. Binding arbitration became the paramount issue because the CEA viewed this clause as their only insurance of an effective bargaining relationship. Indeed, the evidence suggests that, for all practical purposes, the salary issue was apparently settled hours before the walkout.

Negotiations

Negotiations had come to a halt the previous

spring when the two parties could not agree on negotiating procedures. The school board insisted on having sessions open to the public but the CEA refused to participate in "goldfish bowl" bargaining. After three months, the CEA agreed to negotiate in public pending resolution of an unfair labor practice charge they had filed with the Educational Employment Relations Board. (The CEA's charge accused the school board of refusal to negotiate, "a willful violation of the new collective bargaining law for public school employees.")

Open bargaining sessions were held in August and LWV observers at these sessions noticed many instances of grandstanding by negotiators. Because the public has never been able to observe a closed session, it is impossible for us to say if the presence of an audience led to grandstanding or if grandstanding also occurs in closed sessions.

On September 3, the teachers voted to go out on strike if a contract was not signed by October 6. The day after this vote, public bargaining sessions ended as the teachers declared impasse. The Educational Employment Relations Board (EERB) appointed its mediator who followed the usual procedures and imposed a complete news blackout during mediation. The teachers' declaration of impasse thus became a very effective way of keeping the public out of bargaining sessions.

As tension increased and the possibility of a strike loomed large, the incentive for our coalition to study collective bargaining and its effects on the community and the schools increased.

Many members of the coalition's study group had been active during the teachers' strike three years before and were able to recall things like an unbiased source of information which the community needed during a strike. During the previous strike, both parties--the CEA and the school district--had set up "hot lines," telephones with recorded messages about

the status of negotiations or the "hot line" sponsor's position. As might be expected, each "hot line" presented a different version of the situation. The two parties had also used newsletters and flyers to communicate with the public during the previous strike. The teachers had distributed flyers to the neighborhoods and the school district had mailed letters to all registered voters in the district. The board had been criticized for spending so much money on mailing, but the board had responded by saying it found it necessary to counteract the information distributed by teachers.

Developing Fact Sheets

Our committee decided to publish fact sheets explaining the collective bargaining law, the history of negotiations in CUSD and each party's position. After deciding on the first fact sheet's subject matter and format, a group of ten committee members conducted interviews with the superintendent and CEA negotiators. From those interviews, we determined that salaries and binding arbitration were the two main issues in dispute. We then printed the parties' positions on these two issues side by side and added a brief explanation of the Rodda Act.*

Our first fact sheet was ready the day before the strike deadline when there was still hope for a settlement. A few committee members wrote it and the larger group reviewed and edited it. Two people then did the typing and printing and each committee member distributed copies to four to six elementary schools.

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*See Appendix E for a copy of this fact sheet.

Time is always a problem in a crisis situation, particularly for volunteer groups not used to working under deadline pressures. Under these conditions we found it difficult to decide whether to print at all, how many copies to print, how fast they could be distributed, and so on. The director of such a project must be able to determine which decisions the group can make and which decisions one person must make on the spot.

Strike

The negotiating parties could not reach agreement, so the strike began on October 6. As we took our fact sheets to the schools, we gave some to teachers picketing outside and explained why we were distributing them. Later, we received phone calls from some teachers who thanked us for the information; they said they had not really been aware of both sides' positions nor of the reasons for their strike.

Before printing anything, we always had each side verify positions and statements attributed to them. This led to a very interesting situation during publication of the second fact sheet (Appendix F), six days after the strike began. By then, both sides had publicly stated their salary proposals and we intended to print those proposals along with each side's statements.

The CEA negotiators were interviewed while picketing outside the district office. Our interviewer then went inside to get the administration's statement. It took two trips back and forth between the two sides to reach a final statement on three items. Each time the interviewer spoke with one side or the other it altered its statement. Although it is unlikely the interviewer was used as a courier or had any effect on negotiations, the process of soliciting statements forced each side to be specific and eliminate propaganda from their statements.

While writing the third fact sheet, we heard that a strike settlement was imminent. We then decided not to work on the third sheet because anything we printed would be anticlimactic. We monitored both hot lines all evening; at midnight we learned that negotiations had broken down again and the strike was still on. A quick phone survey of committee members at 7:30 the next morning revealed a definite need for a third fact sheet. Citizens were becoming quite frustrated; they were unable to speak to school board members because their phones were always busy and the mediator was still maintaining his silence and news blackout. People needed more information.

On the evening of October 14, one week after the strike began, negotiators for both sides had supposedly come to agreement on all but four items; these they had agreed to submit to factfinding. The CEA negotiator, however, was unable to get membership approval of the contract and withdrew the CEA proposals.

As rumors of the evening's events began to spread, the community began to ask questions about the mediator: Who appointed him? To whom was he accountable? How often did he report to his superiors? Was he overworked (he was also acting as mediator in a strike in a neighboring district)? And, how could the public reach him? To answer these questions, we called the State Conciliation Service which provides mediators for all labor disputes in the state. We found there were thirteen mediators for all labor disputes in the state, that they could be assigned to any area of the state and that more were being trained. We had prepared a list of questions to ask the Conciliation Service, but when we were halfway through, the person on the other end of the line refused to answer any more questions. He said we were being too critical of the mediator.

We followed this call with one to the EERB in Sacramento to find out how many school districts in

the state were in negotiation, mediation or fact-finding and how many had reached agreement. Six hours later we finally located someone in San Diego who could answer our questions. Less than one-tenth of the more than 1,000 school districts had reached agreement and 35 were in mediation.

Over the weekend, the strike was settled and the pressure to print our fact sheet on mediation was off. Ten days later, however, we printed another one on California's collective bargaining law, the process of negotiating, impasse procedures and the status of negotiations in other districts in the state. This fact sheet was distributed in Cupertino and also in the Sunnyvale school district which was then in the middle of a strike.

Everyone who worked on the fact sheets felt positively about their work because, during a time of stress, they had been able to channel their energies into constructive activities.

Conferences

Once the strike was over, the committee's focus returned to the collective bargaining project itself. Originally, we had planned to conduct a survey of the community to find out what people wanted or needed to know about bargaining and to organize seminars or conferences providing this information. During the strike we found that citizens knew little about bargaining; not only were they confused by terms such as negotiator, mediator, binding arbitration and grievance, they were also misinformed about how the bargaining process works. Knowing this, we dispensed with the survey and planned a conference that would be a two-way educational project to disseminate the information gathered. We prepared a glossary of terms to use as a basis for communications. (This glossary was also used by others who later held similar conferences in other cities.)

The first conference began with an historical

overview of educational collective bargaining in other parts of the country and the background of California's Rodda Act. The group then broke into small workshops to discuss three questions: "What the citizen needs to know to become involved in the collective bargaining process"; "Where the citizen can obtain information about negotiations"; and "How citizens can influence decision makers."

This conference was attended by more than 75 area residents, including teachers, administrators, school board members and parents. Although the strike had occurred four months before the conference, it was still the main topic of conversation. Everyone wanted to avoid another strike. Participants felt the conference gave members of different interest groups a unique opportunity to meet in an informal setting and discuss their viewpoints and feelings about education and negotiations.

The second conference, held three months later, familiarized citizens with the form, language and content of the Board of Education's contract with the Cupertino Education Association. A panel presenting different viewpoints on the contract items opened the meeting. The school board president spoke about educational decisions and expressed concern about including them in a contract. Members of the teachers' negotiating team outlined the importance of some contract items. The president of the Cupertino-Sunnyvale League of Women Voters spoke for the community, and challenged all groups to find better ways to work together.

Following a question and answer period, each participant was given a copy of the contract and directed to small workshops. Each workshop was assigned three school-related situations and asked to find contract clauses that might affect those situations. Each group looked at the same three situations from a different viewpoint: the school board's, the teachers' or the parents'. The workshop situations and related contract clauses were: development of an alternative education program (teacher transfer

policy); evaluation of a probationary teacher (evaluation procedure); and, the number of students allowed to enroll in music classes (class size). Examining the effect of particular contract clauses on particular school situations proved to be both beneficial and enlightening.

Collaborative Action Research Project

We learned, while planning the first conference, that it was impossible to work effectively on more than one activity at a time. This point should be kept in mind when organizing a community group to study or effect change in a controversial area of public policy. Enthusiastic committee members wanted to take part in all aspects of the action research project so we could not start it until after the first conference.

We designed our action research to study the impact of the strike and negotiations on the community.* With assistance from IRE, our study group drafted questions. Selecting the people we wanted to interview--the principal actors in the negotiating process--was easy. The thirty interviewees included negotiators for both parties, district administrators, principals, teachers, board members and parents. The interviews were conducted by teams of two or more committee members; most were tape recorded. As our deadline approached, we also decided to interview a random sample of community members, doing that individually rather than in pairs. By this time, we were all well-schooled in proper interview techniques and felt we could do research on our own.

In retrospect, the interview process would

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* See Chapter Five for a discussion of the project's findings and a list of its recommendations.

have benefited from better organization. We had formed two-person teams which selected their interviewees and set up their own appointments. Valuable time was lost because it took many phone calls to arrive at a time when all three people could meet. It would have been more efficient to have had one person arrange all appointments and then assign available committee members.

Another thing we discovered was that, as amateurs, we were not very good tape technicians. We should have practiced using our recorders until we knew where to place the mike, how to eliminate motor noise and what quality tape we needed to obtain understandable reproduction.

Once we finished the interviews, we mailed the tapes to our consultant and report writer, Charles Cheng of the UCLA School of Education and Assistant Director of IRE. We had agreed at the beginning of the research project that he would analyze the data and write the report, while we would retain the right to critically review the report before it was published. Our agreement included two main points. If either the writer or the committee felt an interpretation of the data was misleading or inaccurate, then the two would try to reach agreement on revision or deletion of that interpretation. If agreement could not be reached, however, the differences between committee and writer would become part of the report.

After we received the first draft of the report, we prepared to discuss changes with the author. The report turned out to be so fascinating that we had no trouble at all reading its 78 pages; some of us even read it all at one sitting. Five members of our group met with Dr. Cheng to review the report page by page and make minor corrections. There was no disagreement over interpretation of the data. Rather, the opinions we had held were corroborated by an outsider's analysis of the situation.

All of the people we interviewed received a copy of the report before it went to the press or public. The report was first mentioned publicly at a school board meeting where we had scheduled discussion of its recommendations. From the beginning of the strike--the subject of our research--through the board discussion of our recommendations, a total of fifteen months had elapsed.

Effects of Our Action Research Report

In November 1977, the school board granted our request to discuss the report's recommendations at a future meeting. We had hoped our request would attract press and public attention to the study, but our presentation was upstaged by a delegation of 35 teachers dissatisfied with the status of negotiations. The press received copies of the report, but the teachers' concerns became the big news of the meeting and we did not get any coverage.

Because we had primed ourselves for a great debate, we were disappointed when we did not receive much response. No one disagreed with our conclusions, but neither did they show any interest in implementing the recommendations.

In January 1978, the board discussed our recommendations. They agreed with most of them but pointed out that both parties have to agree to bargain in public before that can happen. One board member expressed her appreciation for our conferences. Once again, our report was upstaged in the press, this time by a citizen who charged a board member with conflict of interest in bargaining.

We have seen no evidence of obvious changes resulting directly from distribution of our report in the district. Rather, the difference we see can be attributed to all of the committee's work; the fact sheets, conferences and report have given us visibility as a source of information on colective

bargaining in the community. Administrators, teachers and board members look to us as a neutral party that can initiate changes in the bargaining process.

Third Conference

The high point of the whole project, in our eyes, was the third conference. It was designed to help citizens understand the public notice provisions of the Rodda Act. Committee members made 40 visits to local school PTA and Advisory Committee meetings to encourage their members to attend. These visits did not produce the desired turnout, but they provided an opportunity to explain the importance of bargaining at the local school site level.

The 30 people who attended the conference included school board members, teachers, parents and administrators. An introductory session examined the timeline for presentation of initial teacher and board proposals, preparation of public response and adoption of the board's proposals; a group discussion of six workshop subjects followed. The evening fostered free exchange of ideas, questions and suggestions about the collective bargaining process; participants treated each other with respect and expressed themselves humorously. We on the committee accomplished one of the report's recommendations: "Hold a mini-conference where all members of the community can freely discuss the issues in collective bargaining."

Future Plans

Although the formal action research project has ended, committee members are reluctant to disband; we had spent a year and a half doing a lot of study and research. Now we are ready to take action. We intend to meet with both negotiating parties to urge action on some of our recommendations, particularly on development of public notice policy.

Since we conducted our research, the relationship between the school board and teachers has improved greatly. We will now work hard to improve the educational atmosphere in Cupertino even more, for only then will we be in a position to have effective open negotiations.

We are now a resource for community groups. We have prepared a presentation on citizen participation in collective bargaining and it is ready for use. Committee members will continue to monitor board meetings and take action whenever necessary.

Conclusion

The past year and a half has been a time of growth and accomplishment for our study group. We have increased our knowledge, developed new skills and served the community. The collaboration between the Institute for Responsive Education and the League of Women Voters has been beneficial for both parties. IRE has a better understanding of how collective bargaining affects a local school community and the League has been able to engage in a research project that it otherwise could not have done.

Our study of collective bargaining has led us to conclude that the private sector model is not appropriate for educational collective bargaining; we need to search continuously for new ways of negotiating. If all parties continue to discuss possibilities and alternatives, more effective citizen participation in the bargaining process should result.

FIVE CITIZEN PARTICIPATION IN SCHOOLS: BARGAINING IN CUPERTINO

Charles W. Cheng

CITIZEN ACTION RESEARCH

As California entered an era of collective bargaining, IRE initiated a national study of citizen involvement in educational collective bargaining. The freshness of the California venture made it an appealing choice for a field study site so, acting with the California League of Women Voters (LWV), IRE chose Cupertino for an action research project on community participation in educational negotiations.

The Cupertino Union School Board and the Cupertino Education Association (CEA) encountered difficulties--including a twelve-day teachers' strike--in their first round of negotiations under the Rodda Act. The Cupertino collective bargaining committee became interested in ascertaining the strike's causes and impact, examining the negotiating process and delineating a role for the community in teacher-board negotiations. This chapter describes the results of the committee's research and draws on the viewpoints of various groups in Cupertino--school officials, community members and CEA representatives.

RESEARCH PROCESS AND METHODOLOGY

Action research is an approach which combines the development of competence with community action. According to Palmer and Jacobsen, "Research becomes a form of action when it is done not by the experts but by the people who themselves must act."[1] The Cupertino study group, consisting of parents and community members from the CUSD, initiated such a project. Throughout this study, I served as advisor to the group. Once data was collected, my role became more active; I analyzed data and wrote the

final report.

Research Procedures

We decided to use the interview approach to gather data. During meetings with the study group, we drafted the questions, selected people to be interviewed, trained the study group in interview techniques and established an interview schedule.

The study group was taught how to conduct objective interviews. Achieving objectivity was no small task since our project was seen as an advocate for citizen participation in bargaining. Nonetheless, the data collected and the final report reveal that the study group's advocacy posture did not handicap it in gathering objective evidence.

Outcome for Study Group Members

Members of the study group believe they had learned more about negotiations and school system politics than they knew before participation in the project. One committee member's viewpoint represented the group's:

> In trying to be objective...I gained a deeper understanding of negotiations and what it really means. I gained wide experience in listening to people, listening in an objective and non-judgmental way. I learned about the total inadequacy of communications in a school district. Reading a contract has been a fascinating new experience. It has definitely changed my perceptions of things.

One parent felt the experience would result in people becoming more involved in a way that recognizes citizens' responsibility to act on their concerns about what is or is not happening in schools. Another study group member pointed out that formalizing the investigation yielded more information than one might normally obtain from neighborhood conver-

sation. All members of the study group but one felt they had developed a new skill that could help them examine other issues in their community. Action research provided a new competence, a competence which takes on added significance because the study group considered itself highly informed and aware when the project began. Equally important, the group intends to use the findings to determine future action.

Collaboration Between Community and Outside Agency

A community group and outside agency researcher should work out their collaboration as a joint undertaking. In this study, two agreements were negotiated: IRE entered into a written agreement with the California LWV, the Cupertino LWV and myself; it also made verbal arrangements with the local project.

Many times a community is subjected to academic study but never informed about the findings of the study. Some researchers have been insensitive to the people and communities included in their studies. This has been particularly true in studies of minority communities. In order to establish sound collaboration, questions about interpreting and analyzing findings and using results should be resolved very early in the study. In this case, IRE and Cupertino's community study group agreed verbally about the report's writing and distribution before data collection began.

Distribution

A procedure was worked out in which the community study group would critically review the first draft of the report. To make the action research relevant to parents, citizens and practitioners and inform the subjects of the findings, distribution of the report to the Cupertino community was essential. We chose three means of distribution:

- sending the report to all research partici-

pants;

- holding a press conference to highlight the report; and,

- sponsoring a conference for people interested in the report. The long-range goal of the research was to create a constructive document for use in future negotiation talks in Cupertino.

Aspects of the report were critical of the present bargaining structure and the bargaining parties. Nonetheless, it was hoped that these findings would be received in the spirit intended--a critical but friendly assessment of collective bargaining procedures by a group deeply concerned and interested in improving education in Cupertino.

RESULTS AND FINDINGS OF RESEARCH REPORT

Interviewees were asked eight questions, the first five of which we analyze here:

1. What is your assessment of the community's role during the negotiating process and during the strike?

2. (a) How do you assess the effects of open negotiations as practiced in Cupertino? (b) Do you think we should have open negotiations the next time around?

3. What, in your opinion, was the cause or causes of the strike and what settled it?

4. How would you assess the impact of the strike on the school system and the community?

5. What was your understanding of the mediator's role before and during the strike?

6. Do you think the strike accomplished its purpose? Could it have been avoided?

7. Do you feel you received sufficient information while negotiations were in progress? What were your sources of information?

8. How can the citizens and employees best be kept informed about the progress of negotiations and about the issues during the strike?

Viewpoints From the Cupertino School Community*

1. What is your assessment of the community's role during the negotiating process and during the strike?

Overall, board members were positive about community involvement.[2] They, unlike some Cupertino school administrators and the Cupertino Education Association, did not see the community as a hindrance or disruptive influence in the negotiating process. One board member contended:

> The community played a significant role during the early part of the negotiating process when it provided the board with a substantial amount of documentary information regarding the positions of various public groups on the proposals made by the teachers' organization. They further advised the board fairly extensively, both through formal meetings and informal contacts regarding the positions the board should take in attempting to respond to the teachers' negotiating position...

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*See Chapter IV on collective bargaining in Cupertino for a description of the Cupertino Union School District and its collective bargaining history.

This same board member, however, pointed out that the community was essentially excluded once mediation was invoked; but he raised an important question of whether the community could effectively participate in bargaining at all:

> Once negotiations moved behind closed doors, and particularly after mediation started, there was very little the public could do from that point on. It's questionable, though, in my mind, how much public groups would be able to do in any case unless we had truly open negotiations. The reason for that is not the lack of ability or intelligence, but the simple fact that for someone to have any meaningful degree of participation he will have to give up his job and devote full time to the negotiation process while it is underway because of the general complexity and the very many differing positions taken by different groups on the issues.

The CEA leadership had strong reservations about community participation in the bargaining process. They believed community people should understand the process but stressed that the community should not take sides. The CEA believed that community people who played an active role during negotiations did not completely grasp how the bilateral process operated. While the CEA team's response suggested that some community members sided with one of the parties at the table, they did not object to parent and community support they received during the negotiations and strike.

A teacher-strike leader at one of the local schools expressed the same view concerning the community's role:

> Their input could be very valuable in a strike situation and before the strike, they can put pressure on both the teachers and the board members to get into some serious nego-

tiations and stop posturing around.

In response to a follow-up question regarding the community's role in open negotiations, this same teacher believed it would be difficult for community people to play a constructive role in the process:

> Most people in the community at large have either an axe to grind or are pro-teacher. Their opinions are related to one side or the other. It's very hard for somebody who isn't in teaching or in an education field to really give input. A lot of the issues during the negotiation session were really confused, on both sides, not just by ourselves, but by the district negotiating team. It was hard to find out facts from either side.

Another CEA leader maintained that the community demonstrated little interest until the strike occurred.

Responses from administrative respondents were mixed. A few believed that community participation in the negotiating process might have hindered the progress of negotiations. Most said that only a small group was active and that the community generally was unaware of negotiations until the strike occurred; then, however, parents deluged the district office with phone calls about the walkout.

Even with implementation of the Rodda Act's public access provision and the open negotiations experiment, a majority of the community and parents interviewed felt awareness of what was going on in bargaining was not widespread. They believed the community had little influence on negotiations. One parent offered a typical observation:

> Very limited. Very ineffective. There was a chance to attend the open meetings where an initial presentation of the two sides was

made, and it was poorly attended and beyond that there was no chance for input that I saw.

Nearly all the respondents agreed that community members and parents, for one reason or another, were not actively involved in the bargaining process and that community activity increased when the strike took place.

2. (a) How do you assess the effects of open negotiations as practiced in Cupertino? (b) Do you think we should have open negotiations the next time around?

The Cupertino Union School District (CUSD) Board decided to open negotiations to the public in June. Under the Rodda Act, open negotiations are not required, but neither are they prohibited.[3] CUSD was one of the first districts in the state to engage in negotiations where bargaining sessions were open for community observation, but not participation in the deliberations. Respondents were asked two related questions: (a) Do you favor open negotiations as practiced in Cupertino?, and (b) Do you favor open negotiations in the future?

No school administrators favored open negotiations as practiced in fall 1976. This did not mean, however, that they permanently opposed open negotiations. Three were unsure about future open negotiations. One reason administrators viewed open negotiations in a negative light was the board's failure to agree with the teachers' association on open negotiations. One central administrator put it this way:

> I don't think that open negotiations, as we had them last year, were productive. I don't think they'll succeed in the truest sense unless there is a mutual agreement between the board and the teachers' association. You can't do something like that unilaterally.

This same person indicated future support for open negotiations provided both sides agreed. Three administrators who were opposed said they would be favorably disposed if such a decision were reached mutually. Another administrator reflected a view widely shared among state, local and national negotiators on both sides of the table:

> In theory, I support the Sunshine Public Access. I don't want to feel this way, but in reality they are a hindrance to practical advancement. It allows playing to audience and press. People are not knowledgeable about the process. Teachers come in with more than they expect to get. The public doesn't understand this. I am not in favor of this the second time around. I would not favor open negotiations. It slows down the process.

Of the three board members interviewed, two saw the first experience negatively. Interestingly, neither cited the unilateral feature of the decision as contributing to its failure. They thought the unsuccessful effort could be traced to teachers' unwillingness to negotiate honestly before the public:

> I think it was a sham. The teachers' association was under considerable pressure to open them and they resisted that pressure until about August 10 or 12. I believe their strategy was...we said we'll have open negotiations and they did meet in open sessions and there was a lot of posturing, a lot of monkeying around, a lot of time burned up and not very much accomplished . . .They never really got to the substantive issues . . .The teachers declared impasse, knowing that when you bring in a mediator, one of the first things he does is say, "OK, folks, let's close the doors and we'll talk about the problem." And as soon as they got back behind closed doors, their real

positions became clear and what they were really out to do became clear.

All three board members favored open negotiations in the future; their responses revealed some concern with making bargaining a more democratic process.

Open negotiations were seen as a failure by the CEA negotiating team although their reasons differed from those given by school administrators and board members.[4] A representative for the CEA negotiating team made their assessment:

> I don't really feel that it has an effect. The community really didn't attend the open sessions. There were quite a few community members at the first one, but there were more teachers present than there were community members and then during the public sessions there was really no movement on the negotiating process at all. One of the district officials refused to respond to CEA financial statements that we had made and it was really more of a grandstand.[5]

The CEA position on use of open negotiations during the next projected round of negotiations contrasted sharply with the board's. For example, the leadership was totally opposed:

> I think if they were beneficial and it was a true negotiation process, that would be something else. Since it doesn't work out that way, we don't feel that it solves the problem.

One teacher leader did say open negotiations might be productive but certainly not in the forseeable future.

Parents were almost equally divided between viewing Cupertino's experiment as unsuccessful and being uncertain whether open negotiations had a

negative or positive impact. Several parents saw the experiment positively. No others favored open negotiations because nothing seemed to have been accomplished at the bargaining table. One parent captured this sentiment succinctly: "It was a flop. Nobody was honest. Nobody laid anything out." Nonetheless, the majority of parents was highly in favor of having open negotiations again.

In sum, board and community members strongly favored open negotiations, while the CEA was adamantly opposed. School administrators, on the other hand, fell into three categories: a few as strong as the CEA in their opposition; others very uncertain; and others who would support open negotiations only if mutual agreement could be reached. Our evidence indicates that the board and CEA would not be likely to agree to open negotiations. Without mutual agreement, the data indicate that, if the board once again unilaterally decided to open negotiations, grandstanding, dilatory tactics and meaningless negotiations would be likely to recur. Yet, the data also show that community members are interested in opening negotiations to the public. Unless accommodation is made to provide community access to the bargaining process, some parents and community members could conceivably see bargaining and the teachers' association as real impediments to citizen involvement in the schools.

3. What, in your opinion, was the cause or causes of the strike and what settled it?

Nearly all respondents agreed that there was no single cause of the strike. In most instances, they provided two or more reasons for the strike. As has been found in other teacher strikes, a few overriding issues caused the breakdown in negotiations.

The data disclosed that the two major issues identified by the board and CEA prior to the strike--salary and binding arbitration--were considered its chief causes by nearly all respondents. The inter-

views provided insight as to why these issues became stumbling blocks during negotiations. For instance, the CEA's eventual hard-line stance on binding arbitration can be traced in part to at least two unilateral actions taken by the board during negotiations. First, adoption of a two-year-old salary schedule which was viewed by teachers as a 7 percent salary cut; second, the board's insistence on open negotiations.

Board members all agreed that the district's financial plight was one of the major reasons for the strike. In their view, the teachers did not understand the financial picture or refused to accept the board's financial data as presented in negotiations. While agreeing that the financial issue and salary scale contributed to the walkout, one board member contended that additional factors were of equal importance.

> The causes of the strike are several. For one thing, the employees in the state of California have been in the process of organizing and gathering strength now for some 15 years...A second cause of the strike is that, unfortunately, over a long period of time a rather poor management situation was allowed to develop in Cupertino in which very little was accomplished for education by the district administrative staff...Next, many people in the teaching professions view themselves as social leaders attempting to improve the nature of society as a whole and they will, for example, say that less money should be spent with the Department of Defense in Washington and more should be spent on education.... Next, there were some personal factors that had to do with the personalities of people on the board, people in the community, people in the teachers' organization, the executive director of the teachers' organization, and that a number of people saw various possibilities for either improving

> their position or gaining power and influence over some of the other actors in the whole drama. Next, the simple economic frustration....So we have not increased employee compensation in recent years at anywhere near the rate the employees would like to see and although employees were well ahead of the cost of living in the preceeding 10 or 12 years, the rate of employee increase in compensation has not been equal to the rate of inflation in the last two or three years. There were a number of other factors, but those are the main ones.

A third board member placed the blame for the strike on the new bargaining law and the state legislature. He argued that the legislature did not provide the funding the board needed to meet the salary request pressed by the CEA in negotiations.

It is not surprising that the CEA cited the board's adoption of the old salary schedule as a central factor triggering the eventual strike:

> Everybody was at the National Education Association (NEA) in July. There was unilateral action taken by the board without any consultation or any discussion with CEA...That made everybody very angry. They're telling us on one hand that we're good teachers, and on the other hand they cut our pay.

Along with salary, binding arbitration became a primary CEA proposal. The final settlement included a clause providing for binding arbitration as the last step in the grievance procedure. But, despite the CEA's interest in binding arbitration and other contract issues, the board's unilateral adoption of the salary schedule provided the CEA with an emotional issue. Six months after the strike, CEA leadership expressed its feelings on the matter in strong tones:

> It would have been difficult to pull 90% of the teachers out on strike if the school board had not cut salaries seven percent... The basic issue was the contract-- under the law and rationally negotiated....But everybody understands money, and the feeling that what you're worth depends on what you're paid and if you're not paid that means you're not worth anything, that's an insult, that's a hard thing.

The CEA emphasized the connection between the board's salary action and the strong stance taken by the teachers on binding arbitration:

> When they cut the salaries the way they did, then that said to the teachers, "Yes, we need a contract" because this is an unreliable group of people who will have us dangling at their whim. That's the first time they understood the great importance of a contract and that's when binding arbitration became a rallying cry...

Another important issue, which surfaced time after time in negotiations, was the scope of bargaining:

> On many of the points, we didn't know the school board's position until we got into mediation. There was no presentation of their position. Their first response, always, was that it was outside the scope of negotiations.

Scope of negotiations remains one of the most controversial areas of public sector bargaining. Teacher organizations continually press to expand scope either through legislation or through practice. The scope issue has aroused widespread debate in educational negotiations because many maintain that teacher groups are gaining increased access to policymaking by expanding scope. California's

statute limits scope to wages, hours of employment, specified health and welfare benefits, leave and transfer policies, safety conditions of employment, class size, employee evaluation procedures and grievance procedures (S.B. 160, Chapter 961, California Government Code). The law also permits the exclusive representative to consult with the employer on "definition of education objectives, the determination of the content of courses and curriculum, and the selection of textbooks to the extent such matters are within the discretion of the public school employer." These areas have been a chief concern of teacher organizations because negotiating them into the contract provides increased access to educational policymaking. Under California's statute, however, these items are not mandatory subjects for bargaining. California's boards have pushed for a narrow interpretation; teacher organizations have sought a broad interpretation. Cupertino is no different: the board insisted on rigid adherence to the law while the CEA tried to expand the scope of the law.[6]

An administrative member of the board's negotiating team identified many of the same causes teachers cited:

> One of the causes was the board's action taken in late June on salaries... They hadn't laid a foundation for action in educating the community and employees that the action was really required. It played an important role in the teachers' attitude toward the board. It told them the board was taking a hard stand... they would have to also. Open negotiations was also a factor. Politically they (CEA) played it up and said the board was stalling... (Another cause) was mistrust of teachers for the board, especially a particular board member... almost a personal thing rather than philosophic...

Administrators also recognized the emergence of

binding arbitration as a dominant demand.[7]

Parents and community members listed more reasons for the strike than any other respondents. Causes mentioned more than once were: salary; lack of trust between the board and the association; poor communications; teacher militancy; negative attitude of board toward teachers and association leadership; and, lack of respect for teachers by school administration.

One can only speculate as to why parents and community members provided more reasons for the strike than did other respondents. Being on the outside, away from the heated passions of bargaining deliberations and less knowledgeable about what actually transpired in the negotiating process, might account for their perception. Citizens probably formed their opinions from news accounts, conflicting statements by the board and the teacher association, discussions with neighbors and conversations with teachers and administrators. It seems many citizens attempted to sift the evidence from various sources with the result that several of them simultaneously agreed with both the board's and the association's assessments.

Several parents said they believed board actions and behavior exhibited disrespect toward and little faith in teachers. One parent, expressing a point of view shared by others, saw the strike as an explosion of tension that had been building over a period of time:

> I personally feel that it's been a tension and miscommunication between the board and the teachers over a period of several years--not just one single thing, such as salary or whatever that caused the build-up to the strike.

These responses suggest that several factors led to the Cupertino strike. Nonetheless, it does seem that certain issues had greater influence than others.

In identifying these issues, it is important to emphasize what the two chief parties--the Cupertino Board and the CEA--perceived as the fundamental differences preventing agreement. After all, their actions resulted in the strike.

First round negotiations under a new collective bargaining law are bound to arouse apprehension on both sides of the table because they are a new experience for teachers and boards alike. Each side is on a "testing ground." Altering power relations, as bargaining does, can be tumultuous; the transition is not always an easy task. Even under normal circumstances, initial bargaining talks are difficult.

In Cupertino, matters were exacerbated by the extreme distrust on both sides. Unilateral actions by the board during negotiations heightened CEA suspicions. Both sides expressed little confidence in one another; neither relied much on the validity of positions taken at the table. An atmosphere of stark suspicion prevailed in which the CEA was most hesitant to accept any financial information supplied by the board and the administration. Further, like other California school boards, the board felt initially that a contract agreement allowing arbitration would undermine their legal authority to operate the school system. On the other hand, binding arbitration became a top CEA priority because they were convinced teachers could only receive a fair hearing from an impartial observer.[8]

4. How would you assess the impact of the strike on the school system and the community?

Perhaps the most difficult undertaking of this study was its attempt to determine the strike's impact on the school district. Without exception, all respondents wished the strike could have been avoided. None saw the strike as contributing to the district's welfare but not everyone agreed its consequences were necessarily disastrous. Most agreed that some bitterness remained. Trust between the

board and CEA was again mentioned; the strike was seen as aggravating an already tenuous relationship between the two parties. Board members, school administrators and most community people believed teachers suffered in the eyes of the community because they engaged in the strike.

One board member stressed the community's disillusionment with its teaching staff:

> We have had a great many expressions of concern from people in the community that when they went into the schools during the strike, they discovered that the programs in the schools did not meet their expectations in terms of quality.

Interestingly, central school administrators had a view somewhat different from school principals. Central administrators saw the strike as disastrous:

> The impact was devastating! There was a lack of trust among everyone. Trust among teachers is low...community image of teachers negative. Most of the time the community did not know who to trust.

Another administrator saw the strike as having a long range effect harmful to the entire district:

> Teachers are still hurting. Financially, people were hurt, but I think most people were able to avoid it...The first strike we had was kind of a picnic compared to this one. I think the wounds that took a long time to heal were in school faculty--between teachers, between teachers and principals and that kind of thing. I think it's a real serious problem but it's isolated. People would just as soon not talk about the strike. The teachers hurt themselves terribly. Education as a whole is suffering. Whether you're a teacher, administrator or board

member, the fact is that the parent associates you with education...Particularly teachers hurt themselves by the way they acted on picket lines and with respect to the kind of information they sent home... I think, generally, we've lost a lot of credibility, integrity and support of our community.

These two perceptions were fairly representative of the central administration. The two principals interviewed were not as pessimistic about the strike's impact. True, they saw the strike as disruptive and damaging to the image of teachers. But, they tended to view its impact on a school-to-school basis rather than systemwide:

> At the time it was disruptive. But this varied from one school to another. Some of the community, and I'd say it was less than half, support teachers in what they are trying to do. Strikes do not enhance teachers' position in the community. They are not advancing their professional status. Teachers need to improve their PR with the community.

One principal even suggested that the role played by the principal during and after the strike had a significant influence on how well the school recovered once the teachers returned to work:

> As far as the school system goes, how the principal handled things in a school determined what the schoolwide results were. For instance, if an administrator gave the teachers on strike a bad time, there would be some hard feelings on return to the classroom. Those schools where part of the staff went out and part didn't, there were hard feelings between staff. In this particular school, the total staff went out. In this

> strike, they all went out and came back and rather quickly got back to their jobs, got back into the swing of things and they were glad to be back and there wasn't a lot of in-fighting.

Cupertino's central school administrators seemed more concerned with people's general impressions of a system that has been struck while building administrators saw effects on a daily basis and indicated that events at each site determined whether school operations returned to "normalcy." It is significant that building principals, who must work on a day-to-day basis with teachers, did not completely share the notion that the strike was "disastrous." It appears that if a policy of non-recrimination were pursued at the building-level, it would be possible for individual schools to resume a positive educational program.

The CEA assessment was not unlike that of other respondents. Indeed, the CEA drew a rather somber picture of the strike:

> There was valuable instruction time lost to the students and there's a very unsettled feeling. The morale of teachers is extremely low and has been all year--it hasn't bounced back at all. The teachers are very much depressed.

Often teacher organizations which have struck speak of positive results such as teacher solidarity, respect and dignity, standing up for principles, board recognition of teachers as an integral part of the policymaking process and an end to board-administrative dominance. CEA leaders may have felt these intangible byproducts of the strike, but they did not emphasize them during interviews. If anything, frustration, alleged low morale among staff and a lack of faith in the board and some administrators dominated their responses. One respondent said that a large number of teachers lost whatever loyalty they

had to the system, and that many teachers were doing a minimal job because the board's posture during negotiations was "the last straw."

One CEA leader thought the strike contributed to extreme divisiveness among the staff which was "gradually healing." Part of the staff's fragmentation was attributed to the board and certain administrators who labeled non-striking teachers as "good guys" and striking teachers as "bad guys."

When discussing the strike's impact, parents and community members tended to emphasize bitterness and loss of faith in Cupertino's teachers.

> It made the community lose a great deal of respect for the teachers. It especially created a lot of ill will with the parents. It set the school back at least two months in all of its programs. It was very derogatory. Teachers are resentful. The parents are resentful because of the effect on the children.

One parent did say the strike served a positive function in making the community fully aware of collective bargaining.

While the vast majority of parents interviewed did not feel the strike had much impact on their children's education, some reported concern about the junior high level. One parent reported:

> The children at the grade level were not affected because the substitutes were fine, but in other schools the children were hurt. They saw teachers throwing eggs at cars, coming to the picket lines not nicely dressed, harassing substitutes, giving the students very long assignments for the purpose of harassing them, taking the books out of the classrooms so that the substitutes didn't have adequate working materials.

Parents reported lower esteem for teachers as a group, and commented on the bitterness and resentment left by the strike's emotional passions. Some parents expressed strong anti-union sentiments and contended that professionals should not join unions. Most parents were very disappointed with the CEA's action. Nevertheless, one parent, while expressing a minority viewpoint among the respondents[9], offered some thoughts which may merit consideration:

> I feel very angry that something like this could be caused by certain individuals, because it hurt the kids. The only way we're going to be able to avoid a strike in this district in the future is to change the complexion of the board. Even when that happens it will take a certain period of re-education. The community has been force-fed information that almost made teachers seem like second-class citizens, and this has to be undone...Certainly there are bad teachers, but there are primarily good teachers. Parents have to realize that teachers don't go to school at 8:00 and quit at 2:30 and spend the rest of the day doing nothing. They have to again understand what teachers really do.

In sum, more follow-up investigation is required to determine the long-range meaning of the strike. One thing is certain, however: most agree that the strike had negative consequences. Unlike other teacher strikes, there was no indication that something was learned or gained from the confrontation.

5. What was your understanding of the mediator's role before and during the strike?

The Rodda Act provides for declaration of impasse whenever either side believes it would be fruitless to continue negotiations; under this provision, the state then appoints a mediator to assist in resolving the dispute. In Cupertino the mediation process was

utilized before and during the strike. When asking about the role of mediation, we had a very limited purpose. We were mainly interested in ascertaining whether people understood the mediator's function. Most respondents had some notion of what the mediation process was supposed to accomplish. Although four parents said they did not know or understand the mediator's role, most respondents considered the mediation process to be an effort by a neutral outsider to bring the two sides together. Judging from the responses of the board, CEA and administrators--those most directly involved in negotiations--the mediator performed his task adequately. There was, however, no high praise for his effort. Parents, on the other hand, expressed dissatisfaction with the mediator's decision to lower a curtain on negotiations.

Some people expressed further complaints with mediation. One complaint was practical: the mediator was assigned to two other school districts, one of which also experienced a strike. Thus, he had to deal with two critical disputes at the same time and several people felt this limited his effectiveness in Cupertino.

The other complaint has wider implications for the mediation process. One administrator and one community person mentioned an issue inherent in mediation--the mediator's interest in simply reaching settlement regardless of its consequences. A member of the board's negotiating team made this observation:

> It's a game and he's involved in the game and he's holding all the cards because a lot of mediation is done through the mediator--he speaks to one side and goes to the other side. It's his judgment as to what he says when he goes to the other side. Everything he says is in confidence. I think the mediator is totally unconcerned with the dynamics of the process and who's being affected. In

other words, he doesn't have to live here, he doesn't have to come back here. He's got a job to do, he doesn't have to think about the people on the picket lines and so forth to that degree.

A community member with a similar viewpoint stated:

> Getting the two sides together. Taking an issue from one side to the other. Using any means in his power to make them come to an agreement. Not really at all concerned with the children or the school system, but just trying to get the job done as quickly as possible regardless of the consequences.

Even though the mediator's lack of interest in the final agreement's substance concerned only a tiny minority, their concern is important. Should the mediator be concerned with the long-range implications of contract terms? Should the mediator's major responsibility be only conflict resolution? A California superintendent and an Educational Employment Relations Board official have expressed the opinion that the mediator should be "neutral"; he or she should aim primarily to have both sides reach settlement without regard to the consequences.[10] The mediator should not be guided by the impact contract provisions may have on future educational policy questions. Scant attention has been given to the mediators' influence on policy issues included in bargaining agreements. This role will probably be given more consideration in research conducted in the coming years because of growing community interest in teacher-board negotiations.

One of our primary concerns was to determine people's views on citizen participation in bargaining. Our findings reveal a sharp difference between the board and community on one side and the administrators and CEA on the other. This rift is

likely to continue unless some acceptable alternative to the exclusionary bilateral bargaining model is found. In Cupertino, the board appears to reflect the interest of a number of community members and parents who want some form of access to bargaining.11

Notably, no single alternative was emphasized by community members. People appear prepared to explore different approaches. The CEA and school administrators would be wise to consider options which include community access. Maintaining the present model could lead to disenchantment with administrative leadership and further erosion of community support for many objectives sought by teachers.

Teachers still have community support, but it is less widespread than they would like. Community support could easily narrow should the CEA remain inflexible regarding community participation in the bargaining process.

Negotiations in Cupertino will continue to be trying and taxing, as financial problems remain and the district's enrollment declines. Compounding these problems are the matter of the board sharing power with the teachers, distrust between the parties and the strike's unhealed wounds. Such an atmosphere is not conducive to peaceful labor relations.

School districts recover from strikes, but our findings indicate the wounds still remain deep in Cupertino. Nonetheless, it is important to stress that where individual building principals set a positive tone immediately following the strike, morale improved and the return to normal operations proceeded on a smoother basis than in schools where a less constructive mood prevailed.

Whether the other issues mentioned--trust, shared decisionmaking and financial matters--can be

resolved to the satisfaction of the parties remains open to question. One of the purposes of collective bargaining is to confront and resolve such issues. As the CEA indicated, they believe experience will improve future negotiations. Certainly, the evidence from states that have bargained much longer than California tends to confirm the CEA's belief.

We do not believe, however, that things ought to be left simply to chance or time. Instead, we have recommended concrete measures by school officials--the board and administration--and the CEA to alleviate some of the problems precluding a constructive labor-management relationship. For example, critical decisions directly related to negotiations cannot be made unilaterally by the board if the bargaining relationship is to improve. This does not mean the board must agree with the CEA on all issues--obviously this will not occur--but it does suggest that the board must recognize that bargaining has altered the pattern in which many decisions affecting teachers are made.

Finally, the report highlighted areas meriting further investigation. No general conclusions could be drawn from this very small study. We predicted, however, that more community groups will push to become involved in teacher negotiations.[12] Our study suggested that citizen participation is not an easy task; until parents and community members are made aware of the bargaining process, only limited numbers of community people are likely to participate. Still, citizens are moving to become actively involved in bargaining in California and across the country. This development bears watching and, where involvement occurs, it should be assessed in Cupertino to see the effects of community participation on bargaining.

RECOMMENDATIONS

The following recommendations were derived from

the CUSD's experience and offered to the Cupertino school community in our action research report.

Opening Negotiations

Community members and parents expressed an interest in trying open negotiations again. We believe some of the communication problems, misunderstandings and unnecessary bargaining rituals could be reduced if the traditional bilateral process were altered. We are aware, however, that opposition to community involvement by either party seriously hampers the value of including citizens in the process. We ask that the CEA in particular reconsider its strong opposition to altering the bilateral model. Meanwhile, we further recommend the following for consideration:

1. The selection and/or election of community observers to sit in on negotiations. Rules governing their participation could be negotiated among all the parties. For instance, observers might be invited to participate in each side's caucus deliberations; on occasion, they might offer comments on what they are observing.

2. Ongoing meetings between community people and the negotiating parties during negotiations. These could be briefings in which each side indicates the status of negotiations and allows the community to comment on current positions. It is hoped each side would then take community viewpoints into account while preparing and altering their positions.

3. A public school board meeting on any tentative agreement reached with the CEA. Citizens should be allowed to comment on the proposed contract prior to board ratification.

Mediation

Because mediation did not receive high praise and a number of people expressed dissatisfaction with the silence and news restraint imposed on negotiations once mediation was invoked, we offer two recommendations regarding the mediation process:

1. Mediation can be very useful in resolving labor disputes. We recommend the mediator not impose a blackout on negotiations nor exclude citizens who have previously participated either in open negotiations or in observation.

2. Another mediation option should be made available. Some concern was expressed that the state mediator assists in settling the dispute but does not have to live with the consequences of that settlement. Hence, in addition to the impasse machinery provided by the Rodda Act, community-based mediation could be invoked. A mediation panel consisting of three to five citizens could be appointed and/or elected. Selection could follow the rules used by the American Arbitration Association in selecting arbitrators. This approach can only work if the two major negotiating parties agree to it and if they have confidence in the mediation panel.

School Community Relations

It is clear that the board and the CEA do not have a sound relationship which would allow them to work cooperatively. Bargaining is here to stay; thus improving their relationship would be in the interest of the entire school system. There will always be differences between the two parties and conflicts do not necessarily have deleterious consequences. Conflicts can be constructive; surfacing problems allows them to be dealt with in a positive

manner. Even though the experience of other districts shows that difficulties can be anticipated in the first round of negotiations, it appears that the relationship between the bargaining parties is at a low point. In an effort to improve this situation, we offer two recommendations:

1. Plans should be initiated to hold a series of mini-conferences or seminars attended by board members, CEA leaders and school administrators to openly discuss ways of building a more constructive working relationship among the parties. These meetings should be conducted with the assistance of an outside facilitator or a local community group that has the parties' confidence. The structure and process of these meetings should be worked out with the parties and the facilitator.

2. A local committee consisting of teachers, administrators, parents and board members should be established to examine the existing bargaining agreement's impact and effectiveness at the local school level. This committee may wish to seek outside resource people to assist with deliberations. It would be responsible for providing its findings to the board and the CEA. The intent here is to strengthen the bargaining process by: assisting the parties in dealing with substantive issues at the bargaining table; assessing whether the particular provisions need to be modified, improved or deleted; and, pointing out positive developments occurring because of contract enforcement, serious problems with specific features of the agreement and difficult relationships at certain school sites.

Contractual Process

Throughout the school year, Cupertino parents expressed concern over certain contractual items. Parents may be interested in only a few of the subjects covered by negotiations, but it is questionable whether these issues should be "settled" in the heat of the bargaining atmosphere. We recommend that on matters where parents have expressed considerable concern and which then become the subject of negotiations, a provision establishing a contractual process to resolve the issue instead of finalizing the issue in the bargaining agreement be negotiated. Such a provision should allow for community representation on this contract committee.

IMPLICATIONS OF COLLABORATIVE ACTION RESEARCH

Academic researchers interested in bargaining developments in California under the Rodda Act ought to give serious attention to the growing interest some citizens' and parents' groups are expressing toward public sector bargaining in general and teacher bargaining in particular. For instance, pressures to alter the traditional bilateral bargaining process, such as the modest Public Notice Provision of the Rodda Act, may contribute to changing the character of teacher negotiations in the foreseeable future. Certainly this is an area which warrants more careful study. Research models founded on genuine cooperation between a university and an active community group suggest that more studies of this kind be initiated.[13]

To the scholar interested in public schooling, such investigations can contribute to our understanding of contemporary educational policymaking, school governance, community politics, human behavior and the politics of change. Furthermore, after more than a decade of academic research on teacher negotiations, we still have little substantive evidence of bargaining's impact on instructional programming and curriculum. It might be worth exploring collaborative action research efforts to

examine this question. School site research is required to initiate such an inquiry. Obtaining access and collecting pertinent data have been made difficult by the exclusionary and confidential character of the bargaining process itself. Perhaps collaboration will serve to reduce research barriers which now impede legitimate inquiries into teacher bargaining.

CHAPTER NOTES

1. Parker Palmer and Elden Jacobsen, Action Research: A New Style of Politics in Education (Boston: Institute for Responsive Education, 1974). (Now available from ERIC.)

While the literature on citizen participation in bargaining has been limited, there is growing evidence that this topic is receiving increasing attention. For example, see Seymour Sarason, Charles Cheng, Don Davies, et al., The Community at the Bargaining Table (Boston: Institute for Responsive Education, January 1975); Lawrence Pierce, "Teachers Organizations and Bargaining Power Imbalance in the Public Sphere," Public Testimony on Public Schools by National Committee for Citizens in Education (Berkeley: McCutchan, 1975); Charles W. Cheng, Altering Collective Bargaining (New York: Praeger, 1976); Charles W. Cheng, "Community Participation in Teacher Collective Bargaining, Problems and Prospects," Harvard Educational Review 46 (May 1976): 153-74; Douglas E. Mitchell, The Impact of Collective Bargaining on Public and Client Interests in Education (Riverside: University of California, 1976), Mimeograph; Charles Kirchner, Broader Scope and Wide: Participation in Third Viewpoint on Scope of Bargaining in Public Education (Claremont, Ca.: Claremont Graduate School, July 1977), p. 2, Mimeograph.

2. In one California district, Rothman found that board members believe they represent the community; therefore, they view direct parent participation in bargaining as disruptive and redundant. Gail Rothman, "Collective Bargaining and the School Board" (Los Angeles: UCLA Department of Education, June 1977).

3. Open negotiations have been tried in Florida; they are the subject of a report on Florida's Sunshine Law in which the author assesses the viewpoints of school board members, superintendents, teacher unions and chief negotiators for school

districts. The report concludes: "There is no question that bargaining in a 'goldfish bowl' inhibits compromise, lengthens the bargaining process time-wise, is more expensive, creates controversy and fosters additional unnecessary adversarial relations. The results of this study indicate, however, that even with all of these disadvantages, schoolboard members, superintendents, news media and, at least superficially, some teacher unions believe that 'goldfish bowl' collective bargaining should be retained" (p.11). See Donald R. Magruder, "Bargaining in Public: Help or Hindrance?" (Washington, D.C.: Labor-Management Relations Service, 1976).

The public notice section of the Rodda Act has been given additional meaning as a result of the EERB's decision to adopt a complaint procedure regarding this section of the law. Regulations were adopted by the EERB at its June 21, 1977 meeting and the new procedure constitutes an unprecedented action in public sector labor relations (EERB Bulletin, June 1977). Adoption of such regulations marks the first time private citizens will be able to file charges with a labor relations agency.

4. The CEA asked that members of its negotiating team be interviewed as a group. Therefore, their responses are considered to be representative of those in a leadership position within the organization.

5. The IRE study committee records indicate that the school district did respond to the CEA financial statement.

6. The Los Angeles Times reported that the sharp difference between school boards and teacher groups over scope has frequently aggravated already tense situations. See Bob Egelko, "Teachers Union Law Eases Little Tension," Los Angeles Times, Part II, September 6, 1977, p.1. A number of articles have appeared discussing the question of expanding the

scope of bargaining in public education: Kenneth McLellan and Michael H. Moscow, "Public Education," in Emerging Sectors of Collective Bargaining, ed. Seymour Wolfbein (Braintree, MA: D.H. Mark, 1970); Harry H. Wellington and Ralph K. Winter, "The Limits of Collective Bargaining in Public Employment," Yale Law Journal 78 (1969):1107-17; Wellington and Winter, "Structuring Collective Bargaining in Public Employment," Yale Law Journal 79 (1970):805-70; David C. Kirp, "Collective Bargaining in Education: Professionals as a Political Interest Group," Journal of Public Law 21 (1972):323-38; Joan Weitzman, The Scope of Bargaining in Public Employment (New York: Praeger, 1975); Charles W. Cheng, Altering Collective Bargaining (New York: Praeger, 1976); Charles Kirchner, "Broader Scope and Wide Participation: A Third Viewpoint on Scope of Bargaining in Public Education."

7. Recognizing that both the CEA and the California Federation of Teachers (CFT) affiliates have set binding arbitration as a bargaining priority, CEA's press for such a clause was to be expected. However, circumstances in Cupertino led the CEA leadership to hold firm on this demand. Also, although teacher organizations in California have made binding arbitration a high priority, it does not necessarily follow that this provision will be won in the first round of negotiations, as was the case in Cupertino. For instance, in an August 1977 review of 40 bargaining agreements negotiated in Los Angeles, San Bernardino and Orange Counties, it was found that only eight had binding arbitration, 18 had advisory arbitration and 14 had no provision for arbitration.

8. One respondent disclosed a most interesting and revealing account of an incident that allegedly occurred shortly before the strike. The board had prepared a proposal on the two major outstanding issues. This proposal was shared with a community member who in turn revealed the substance of this board counterproposal to another citizen. At this point, the second citizen went to the CEA offices

describing the board's offer. According to the respondent, the CEA was very upset that they received news of the board's offer in this manner. Indeed, this incident ruled out any possibility of resolving the dispute only hours before the strike deadline. It seems certain that use of a go-between added to the confusion as both parties were making efforts to avoid a walkout.

9. This minority opinion may reflect that of a larger number of community residents. Other respondents also noted that there may be views other than those they were expressing.

10. Information obtained in interviews for another study conducted by Charles Cheng.

11. Over the last several years, a wide body of research has questioned whether boards of education truly are representative. For example, in the March 1977 issue of Phi Delta Kappan, L. Harmon Zeigler and his colleagues made the following observation: most board members do not view their role as representing or speaking for "the public," rather, they view it as speaking for the administration to "the public" (p. 536). Also, see Marilyn Gittell, "Professionalism and Public Participation in Educational Policy Making: New York City," in The Politics of Urban Education, ed. Marilyn Gittell and Alan G. Hevesi (New York: Praeger Publishers, 1969), Robert F. Lyke,"Representation and Urban School Boards," in Community Control of Schools, ed. Henry Levin (Washington, D.C.:The Brookings Institution, 1970); National Committee for Citizens in Education, Public Testimony on Public Schools (Berkeley: McCutchan, 1975).

12. For instance, Los Angeles Unified School District, the second largest school system in the nation, has authorized establishment of ad hoc citizens committees to monitor teacher negotiations. Monitoring will be limited to meeting with board and teacher bargaining representatives during

negotiations and reporting the committee's assessment of the negotiations to the board.

13. A recent example of such research occurred in the Los Angeles Unified School District. The board-appointed Citizens Management Review Committee included several professors from UCLA's Department of Education. The professors were responsible for preparing the committee's final report, "Decentralization of the Los Angeles Unified School District: An Appraisal." Final Report of the Decentralization Subcommittee of the Citizens Management Review Committee, Los Angeles, June 1977.

Selected Bibliography

Back to Basics in School Finance. Cupertino: Cupertino Union School District, April 1977.

Beving, S. "Last Minute Attempt to Avert Teacher Walkout." Cupertino Courier, 5 October 1976, p. 1.

Beving, S. "Glimmer of Hope in Teacher Strike--New Offers are Made by CEA." Cupertino Courier, 12 October 1976, p. 1.

Beving, S. "Strike Ends--Teachers Return to Classrooms." Cupertino Courier, 19 October 1976, pp. 1-2.

Brignolo, D. "Negotiations to Resume in School Strike." San Jose Mercury, 12 October 1976, p. 2.

Cheng, C. W. Altering Collective Bargaining. New York: Praeger, 1976.

Cheng, C.W. "Community Participation in Teacher Collective Bargaining: Problems and Prospects." Harvard Educational Review 46 (May 1976): 153-74.

Cheng, C.W., and Holliman, R. "Bargaining Comes to Cupertino." Citizen Action in Education 4 (September 1977).

Collective Bargaining--Practices and Attitudes of School Management. Washington, D.C.: National School Board Association, 1977.

Cupertino Teachers. "Board Opens Negotiation Season." San Jose Mercury, 5 February 1976, p. 31.

"Cupertino Teachers' Strike Seems Certain." San Jose News, 5 October 1976, p. 1.

Fact Sheet. "Cupertino: Cupertino Union School District," 1977.

"Impasse Declared in Negotiations." Cupertino Courier, 7 September 1976, p. 2.

Johnson, M. and Grant, J. "Cupertino Teachers on Strike." San Jose News, 6 October 1977, p. 1.

Johnson, M. "Cupertino Teachers, District Agree--Then Angrily Disagree." San Jose News, 15 October 1976, p. 18A.

Kirchner, C.T. "Broader Scope and Wider Participation: A Third Viewpoint on Scope of Bargaining in Public Education." Claremont, CA: Claremont Graduate School, July 1977 (Mimeographed).

Magruder, D.R. Bargaining in Public: Help or Hindrance? Washington, D.C.: Labor-Management Relations Service, 1976.

McDonnell, L. Teacher Collective Bargaining in School Governance. Santa Monica, CA: Rand Corporation, 1976.

"New Coalition Attacks Teachers' Proposals." Cupertino Courier, 9 March 1976, p. 4.

"Overtime, Grievance Procedure Bog Down Teacher Bargaining." Cupertino Valley Journal, 25 August 1976, p. 1.

Palmer, P., and Jacobsen, E. Action Research: A New Style of Politics in Education. Boston: Institute for Responsive Education, 1974.

Perry, C.R. and Wildman, A.S. The Impact of Negotiations in Public Education: The Evidence From the Schools. Worthington, Ohio: Charles A. Jones, 1970.

"Proposed Master Contract of the CEA." Cupertino Council of PTA, 15 March 1976.

Rockstroth, D. "New Talks Set to Avert Cupertino School Strike." San Jose Mercury, 28 August 1976.

Rockstroth, D. "Cupertino Teachers' Strike Threat Sours Start of Classes." San Jose Mercury, 8 September 1976, p. 2.

Rothman, G. "Collective Bargaining and the School Board." Los Angeles: UCLA Graduate School of Education, June 1977.

Sarason, S., Cheng, C., Cowden, D., Davies, D., Lorentz, E., Maton, D., and Reppucci, N. The Community at the Bargaining Table. Boston: Institute for Responsive Education, January 1975.

Silberman, H. "Decentralization of the Los Angeles Unified School District: An Appraisal." Report of the Decentralization Subcommittee of the Citizens Management Review Committee. Los Angeles: UCLA Department of Education, June 1977 (mimeographed).

"Stalled School Talks Warm Up." San Jose Mercury, 7 May 1976, p. 42.

"State Money Won't Restore Pay Cuts." Cupertino Courier, 27 July 1976, p. 2.

"Teachers OK Bargaining in Public." San Jose Mercury News, 7 August 1977, p. 20A.

"Teachers' Strike Ends in Cupertino." San Jose News, 18 October 1976, p. 1.

"Teachers Unveil Master Contract." Cupertino Courier, 10 February 1976, p. 3.

Weitzman, J. The Scope of Bargaining in Public Employment. New York: Praeger, 1976.

AFTERWORD

Ron Edmonds

The discussion in these articles is as relevant and engaging for generalists, intellectuals and academicians as it is for practitioners, citizens and advocates. Taken as a whole, the articles cover the ground; they might have focused more on the big cities, but they do raise issues, identify problems, propose solutions and suggest directions which are applicable across-the-board. I was especially struck by the fact that the discussion of New York was not different in kind from the discussion of California; and that is very much worth seizing on.

On the other hand, the articles also point up some very problematical issues for advocates of citizen participation in collective bargaining. My intent is not to diminish IRE's enthusiasm for the efficacy and relevance of parent-citizen access to participation in collective bargaining. My commitment to IRE's interest in such access is long-standing and undaunted. But, the authors of these articles do subscribe to a rather exaggerated optimism about the equity to be gained in public schooling through citizen-parent participation in collective bargaining. The authors tend to assume that, if they can install the apparatus for more democratic access to negotiations and decisionmaking, the parent-citizen constituency for which they work will ultimately profit from that access. I do not think that likely to be true.

The people who have written these chapters and the audience interested in them are, by and large, good government groups like the League of Women Voters, reform-minded individuals and parent-citizen

organizations concerned with the disenfranchised. Such groups are of course essential to our progress towards equity and I therefore want their perspective to be as efficacious as possible. They share a preoccupation with making our large urban school systems more responsive to those we now serve least well. As a tactical matter, they are committed to opening negotiations because they believe that democratizing the bargaining process will, in and of itself, advance the equity interests of the constituency they and their organizations represent. Based on some very practical experiences, I think that is a mistake.

The principle advances in equity in the twentieth century United States have been: female suffrage; lowering the voting age; the abolition of racial restraints on citizenship; and, the opening of institutions of higher learning to the full range of the American population, partly through educational benefits for veterans of military service. The portion of the population that has access to educational, social and economic mobility has grown almost without interruption through the whole of this century. It is in such a context that IRE's interest in citizen participation should be viewed.

While it is true that the United States is a more democratic and egalitarian society than at the turn of the century, it is false to suggest that these increases in suffrage and access to citizenship also occasioned the kinds of gains anticipated when they were advanced. Those responsible for attaining full Black suffrage in the fifties were inevitably disappointed by the ultimate difference Black suffrage made in the South's economic, social and political complexion. This is not to suggest for an instant, however, that the South's complexion is not substantially more egalitarian and attractive now than it was before the civil rights revolution.

There is a tension in all of this that must be noted. My remarks are not intended to detract from the debt we owe to the civil rights workers; but the rhetoric that accompanied their work did create a level of expectation that was not fully justified. The great danger then and now was the possibility that disappointed expectations might contribute to a mood of cynicism and despair.

Giving the vote to women did not abolish male preoccupation with war. Extending suffrage to all Black Americans did not eliminate discrimination as a characteristic of American life or abolish inequity as a pervasive characteristic of our institutions. Neither did extending the vote to eighteen year olds suddenly create a situation in which the issue of trusting people over thirty became irrelevant. All of these efforts were as worthwhile as the present attempt to open collective bargaining to citizen-parent participation; but, it would be tragic if the possible gains in citizen access were tainted by an exaggerated preliminary description of the expected consequences.

If IRE succeeds, its breakthrough will be accompanied by a great celebration, reminiscent of earlier celebrations. A closed process will have been opened, and there will be some reason for optimism. Opening the process for making decisions about the distribution of goods and services required for effective public schooling could make that process more efficacious, more egalitarian and more responsive to that portion of the national constituency which IRE has in mind. In my judgment, though, that celebration ought not to last very long.

As always happens, there will rise up a virtual horde of self-interested, narrow-minded individuals who will exploit the opportunity to put forth their interests in collective bargaining and their interests will not be those for which IRE now

struggles. There will come forward, for example, tight-fisted fiscal conservatives who will want to use collective bargaining to indiscriminately restrain public spending on education. There will emerge private sector allies of the public sector union movement whose purpose will be to protect the substantial advances already made by unions negotiating with relatively impotent public servants. A variety of narrowly focused, self-interested groups will come forward to advance the most pedestrian and parochial responses to citizen access to bargaining.

There was a time in the United States when Boards of Education were more often appointed than elected; and a group of men and women worked very conscientiously to see to it that elected boards became the norm. They assumed that victory would allow the forces of democracy to prevail. But that turned out not to be the case. Similarly, opening collective bargaining to citizen-parent participation will not, in and of itself, occasion substantial change in the distribution of educational, fiscal, political and human resources.

In sum, I am trying to do two things here. I am trying to encourage IRE, particularly the men and women who have written these articles, to continue their democratic and egalitarian effort to alter the instruments of decisionmaking in public education. At the same time, however, I think it important that they ground their effort in a more realistic appreciation than I detect here of the limitations of citizen-parent access to collective bargaining. Within these articles, I recognize the tension between these two competing interests but I suspect there is a potential resolution to the problem. But if that tension is not made an explicit part of this discussion we face the danger of raising up among a group of enlivened, energetic people a set of expectations that cannot be

realized. Then the consequence of the effort could be that those people would join the ranks of the cynical and the disenchanted. That is a future I hope we can avoid.

GLOSSARY

Arbitration - A method of settling disputes through recourse to a neutral third party. Arbitration may be included in a written agreement or may be agreed upon later by both parties. In binding arbitration, the two parties are bound by the third party's decision. In advisory arbitration, they are not.

Bargaining unit - A group of employees with a community of interest recognized by the employer or certified by the Public Employee Relations Board.

Bilateral negotiations - A method of decision-making in which representatives of two parties, the exclusive representative of the employees and the employers, determine the policies on matters within the scope of bargaining. Normally, agreements reached result in a written contract.

Certificated employees - Employees whose position requires credentials issued by the State Board of Education.

Classified employee - Usually refers to school district employees whose positions do not require credentials.

Confidential employee - Any employee who, in the regular course of his/her duties, has access to or possesses information relating to the employer's employer-employee relations. Confidential employees do not have bargaining rights under the EERA.

Consult - A process contained in the EERA which requires public school employers to discuss certain educational policy matters with the exclusive representative of certificated employees.

Contract - A legally binding written agreement between an employer and an exclusive representative.

Decertification - A process by which the employees of a negotiating unit seek to remove an existing exclusive representative.

EERA - The Educational Employment Relations Act, SB 160, 1975 (Rodda). The California law which established and governs collective bargaining between school boards and their employees.

Exclusive representative - An employee association or organization which represents a bargaining unit in negotiations, recognized by school boards or certified by PERB.

Factfinding - A process used by a three-person panel to reveiw facts and make recommendations for settlement of an interest dispute. One member of the panel is appointed by each party to the dispute, and the chairperson is appointed by PERB. Recommendations are not binding and must be made public within 10 days if the dispute is not settled.

Good faith negotiating - The requirement that the parties negotiate at reasonable times with a willingness to reach an agreement on contract terms.

Grievance dispute - A claim by either negotiating party or individual employee that the terms of an existing contract have been violated.

Hearing Officer - An employee or agent of the PERB who has been appointed to conduct a hearing and render an opinion under the PERB's rules and regulations. Hearings must be conducted in public. Hearing officers' decisions may be appealed to the PERB itself.

Impasse - The point in negotiations at which differences are so substantial or prolonged that future meetings would be futile.

Initial Proposals - The first presentations of bargaining demands by the exclusive representatives and the school board. Must be introduced in public meetings and negotiations can not begin until public has had time to respond at a public meeting.

Interest dispute - Disagreement between the parties over the terms and conditions of a contract under negotiation.

Management employee - Any employee designated as having significant responsibilities for formulating district policies or administering district programs. Management employees do not have bargaining rights under the EERA.

Mediator - Conciliator appointed to help resolve an impasse. Usually appointed by PERB from list of trained mediators of the State Conciliation Service. Mediator has no power to force a settlement but can offer compromise solutions. If settlement is not reached within 15 days, factfinding may be requested.

Meeting and negotiating - Meetings, conferring, negotiating and discussing by the exclusive representative and the public school employee in a good faith effort to reach agreement on matters within the scope of bargaining.

Organizational security - A provision that may be negotiated into a contract which provides that as a condition of employment, employees must either maintain membership or pay a service fee for the life of the contract to the union representing them in negotiations.

Parties - Usually refers to those bargaining, the employer and the exclusive representative. See bilateral negotiations.

Party of interest - A legal concept used to determine who can participate in influencing the outcome of a decision.

PERB - Public Employees Relations Board, formerly Education Employment Relations Board. A three-person board appointed by the governor to administer the EERA and SB 839, which governs bargaining for state employees.

Public Notice - A section of the EERA which recognizes the public's right to be informed about, respond to and influence the collective bargaining process.

Remedy - A solution imposed by the PERB on a party to compensate the other party for a violation of the EERA.

Scope or scope of bargaining - Matters which must be discussed in negotiations as defined in the EERA and interpreted by the PERB.

Supervisory employee - Any employee, regardless of job description, who has supervisory authority over other employees which requires the use of independent judgment. Supervisory employees can form a supervisory unit and select an exclusive representative to bargain with the employer, but they cannot be part of a bargaining unit which contains non-supervisory employees.

Third Party Neutral - Any disinterested third party who intervenes in negotiation disputes in order to facilitate settlement. See arbitration and mediator.

Unfair labor practice - An action by either party to negotiations which is found to be illegal by the PERB.

This glossary is from: You, the Schools and Collective Bargaining: A Handbook for California Citizens (Information Project on Educational Negotiations: Palo Alto, CA., 1978). We thank IPEN for permission to reprint their glossary here.

APPENDIX A

PEA/UPS OUTLINE FOR REFORM OF EDUCATIONAL COLLECTIVE BARGAINING IN NEW YORK CITY (APRIL, 1978)

BEFORE NEGOTIATIONS

PARENTS AND PUBLIC	COMMUNITY SCHOOL BOARDS (CSBs)	BOARD OF EDUCATION
		PREPARE for negotiations and pace them to allow for all steps on chart.
ANALYZE costs, services and provisions of existing contract.		
UNDERSTAND the budget situation by doing your own research.		MAKE information on present contract's impact on cost and service delivery and on the coming year's budget situation available in an understandable language and format.
MEET with parents and principals and DEVELOP a broad public awareness of the budget situation.		
	CONSULT with parents, principals, teachers and district personnel about the budget.	
DEVELOP your own proposals and/or demands.		CHOOSE negotiating team, including non-staff negotiator.
THEN LOBBY: CBS members CSB Negotiating Council Board of Education Elected Officials Media Representatives	CHOOSE Negotiating Council. oTRAIN the council, especially with respect to contract specifics. oGET expert help in contract analysis and negotiating advice. oGET staff to coordinate, facilitate and record council's activity.	PRESENT tentative demands at public hearings. PUBLISH board's "initial position" and union's demands. PREPARE for possible strike.

DURING NEGOTIATIONS

PARENTS AND PUBLIC	COMMUNITY SCHOOL BOARDS	BOARD OF EDUCATION
CONTINUE TO PRESSURE: CSB members CSB negotiating council Board of Education Elected officials Media representatives	DEFEND CSB demands strongly.	MAINTAIN strong management position.
PROTECT interests of children, parents, and public.	PROTECT right to be consulted by Board of Education.	PUSH for Board demands.
	INSIST on enough time for consultation.	LIMIT scope to "proper subjects".
	MEET with Board of Education's negotiating team.	CONSULT with CSB negotiating council.
	MAKE sure three negotiating council representatives are at the table and in caucuses; make sure they keep rest of council fully informed.	INFORM public of any new board or union demands.
	BE fully involved in negotiating process.	
	INFORM constituents.	

PARENTS AND PUBLIC	COMMUNITY SCHOOL BOARD	BOARD OF EDUCATION
REVIEW costs, work rules, fringes and other provisions in Memorandum of Agreement to determine impact on budget and educational services.		PUBLISH Memorandum of Agreement (proposed contract).
PARTICIPATE in Board of Education hearings on Memorandum of Agreement.		HOLD public hearings on Memorandum of Agreement.
		VOTE on proposed contract at a public meeting.
MONITOR contract implementation.		
PREPARE for next round of negotiations.		

AFTER NEGOTIATIONS

This appendix contains two speeches by Jackie Berman; the first was given in late 1976 while the second dates from about one year earlier. Both speeches explore the rationale for public involvement in educational collective bargaining; the earlier speech concentrates more on issues like secrecy, open government and public access to policymaking, while the later one explores implementation of public notice and scope of representation in more detail.

APPENDIX B-1

Text of a speech by Jackie Berman to the Joint Interim Hearing of the California Senate Committees on Education and Industrial Relations. One copy of these hearing proceedings can be obtained free by requesting The Senate Daily Journal for December 9, 1976 from:

Legislative Bill Room
State Capitol, Room 1149
Sacramento, California 94814
Telephone: 916-445-2323

The League's interest in the scope of representation under the Rodda Act stems from our concern that the law adequately provide for the public's interest in educational collective bargaining. As you know, the Public Notice provisions, which are Article 8 of the Act, were advocated by the League because the League members believe that whatever the issue, governmental policy programs and performance must contain well defined channels for citizen input and review.

In addition, we believe that the quality of education is related to the ability of the community to participate in educational decisionmaking at the local level. It is clear that matters of educational policy result from the negotiating process.

The Public Notice provisions thus provide a limited method of altering the private sector model collective bargaining in order to provide the public with information regarding the subjects to be negotiated, and the opportunity to express itself regarding negotiating issues.

Article 8 provides the legislative framework within which local school districts should implement the Public Notice provisions as is most appropriate to the local situation. The specifics, such as the timing of presentation of initial proposals and the public response, the locations and availability of the proposals, the particular method of notification to the public regarding the process--all of these details which are crucial to the implementing of the provisions according to the intent of the law are to be worked out at the local level.

If the Public Notice provisions are to be meaningfully fulfilled in a manner which truly provides the public with an opportunity for involvement, we believe that representatives of the public must be included in the development of specific implementing policies at the local level.

The negotiating process itself is bilateral, involving only the so-called

parties, representatives of the exclusive representative and the employer. Therefore, we believe that it would be contrary to the intent of the Public Notice provisions if local implementation were to become a negotiated item with the public excluded from this process.

The local implementing procedures should remain flexible and responsive to changing needs and local policies regarding such implementation, and do not belong in negotiated contracts. Such local policy should result from advice and consultation among all affected parties including the public.

Since there is a strong possibility that the parties will be permitted to negotiate upon any mutually agreed upon subject, the most effective method to insure that local implementation of the Public Notice provisions does not become a subject of negotiations would be to add the language to the Act that specifically states that the procedures for implementing Article 8 shall not be a subject for negotiations.

Another issue of concern for League members is the apparent confusion over items within the scope of representation and those on which the parties will consult with one another. Some parties are interpreting Section 3543.2 of the Act to mean there is no difference between the scope of representation as defined, and the consult items. That they should be handled in the same negotiating process and can legitimately be included in the contract.

We point out that those matters reserved for consultation represent the very heart of the educational program--definition of educational objectives, determination of course content and curriculum, selection of textbooks. Whereas we believe that it is perfectly appropriate and, in fact, necessary for school districts to have the benefit of the advice of the certificated employees on these issues, we do not believe that the exclusive representative should provide the only input into decisionmaking on these issues.

Involvement of other affected parties, such as community members, and at the high school level, students, should be insured. Therefore, we recommend that the language of the Act be modified to indicate more clearly what we believe to be the intent of the Act: that consult items are not to be treated as items within the scope of representation.

We suggest the addition of such language as "the exclusive representative of certificated personnel has the right to consult, but not to meet and negotiate, on the definition of educational objectives, et cetera." To further clarify the legitimate role of the public in these issues, we suggest changing the last sentence there to read: "provided nothing herein may be construed to limit the right of the public school employer to consult with any individual" rather than as it now reads: "any employee or employee organization."

We also suggest that the question of what is meant to be included in the scope of representation would become clearer if the phrase "matters relating to (wages, hours of employment and other terms and conditions of employment") were omitted from the language of the Act.

The fact that the California Legislature has established policy which recognizes the right of the public to have information regarding negotiations is a laudable breakthrough in public sector labor relations. The next step is to insure that the intent of this policy will be fulfilled given the diverse interpretations throughout the state concerning the meaning of the Act's scope. We ask you to clarify your intent.

APPENDIX B-2

Statement to the Assembly Committee on
Public Employees and Retirement
on
Public Accessibility to Public Sector Labor Negotiations
League of Women Voters of California
November 13, 1975

I am Jackie Berman, Education Director of the League of Women Voters of California. The California League has been concerned with the issue of public accessibility to the negotiating process in public sector labor negotiations for the past several years. This action is based upon the position that democratic government depends upon the informed and active participation of the citizens and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. Whatever the issue, the League believes that government policy programs and performance must contain well defined channels for citizen input and review.

League's requirements for public access to governmental processes were first applied to employer-employee relations in the area of education when it became apparent to League members that educational policy was resulting from private negotiating sessions under the Winton Act and this limited the community's ability to know about or influence the decisions resulting from the process. In addition, the positions of individual school board members on particular negotiating items were not known since the public vote consists of either acceptance or rejection of a total negotiated package.

In 1974 we successfully sponsored legislation (AB 4114, Vasconcellos) which requires that initial negotiating proposals by school districts and certificated employees be of public record, that the public have the opportunity to respond to the proposals before negotiations begin, that new subjects presented by either side after negotiations are in progress be made public within 24 hours and that all votes of the elected school board be made public. This law has been in operation for one year and according to the preliminary report of a study being conducted by the National Civil Service League, the public's accessibility to the bargaining issues has increased significantly.

During the past legislative session various public sector collective bargaining bills were introduced. Although the League has no position on the issue of collective bargaining, we worked with success to amend all such legislation to include a provision similar to AB 4114. These amendments became known as the "sunshine" provisions. As you are aware, one bill, SB 160 (Rodda), which provides collective bargaining for school employees in schools (kindergarten through community college levels) was enacted and will be phased into operation during the coming year. The Rodda Act contains the League's sunshine provision in Article 8 entitled "Public Notice." In addition to the requirements of AB 4114, the Rodda Act states "The (Educational Employment Relations) Board may adopt regulations for the purpose of implementing this section, which are consistent with the intent of the section; namely that the public be informed of the issues that are being negotiated upon and have full opportunity to express their views on the issues to the

public school employer, and to know of the positions of their elected representatives." The League believes that this statement of legislative intent is a very important step in recognizing and articulating the need for providing a mechanism by which the public can have access to bargaining issues and can hold its elected representatives accountable for their actions.

In the beginning it was a difficult task for us to explain to legislators, legislative staff and interest groups the connection that League members see between public sector labor relations and requirements for open government. It was felt by some that public sector negotiations should be substantially patterned after those in the private sector, that the negotiating process had no connection to public policy decisionmaking and furthermore that the essence of bargaining is necessarily secrecy. We were able to demonstrate that agreements resulting from negotiations were, in fact, issues of public policy about which citizens had a right to know and to address themselves before final decisions were made. In addition, citizens had a right to know the positions of their elected representatives on these issues.

In education, for example, the process by which textbooks are selected, educational objectives determined, curricula defined--have all been subject to the negotiation process. In other areas of public employment "working conditions" such as police review boards, the matter in which suspects can be handled, certain welfare policies which special workers promote--all policy issues--could be decided at the bargaining table as part of a negotiated package.

Recent national and local events in the area of public employer relations demonstrate the need for a clear public understanding of the real costs of public labor settlements and the possible trade-offs made in terms of the reduction of some services and the elimination of others. In this sense, while wage settlements can be considered strictly "bread and butter" issues, they clearly have wide implications in terms of public policy. It is not difficult to understand that in making these settlements public officials may succumb to the pressure of strikes or threatened strikes especially if there is additional pressure from irate yet uninformed citizens who do not want to be inconvenienced by the interruption of services. In these circumstances public officials are tempted to settle with employee organizations in a manner which obscures or delays the real costs and trade offs.

Because he believes that such situations will become more prevalent, Harry Wellington, Dean of the Yale Law School, has called for citizens to pressure their elected officials to bargain "tough" as a condition of re-election. He believes this public consensus to be necessary if public officials are to have the support needed to respond appropriately to the increasing effectiveness of the public employee organizations. On the other hand, there is evidence that the public will not support public officials whom they believe to be dealing unfairly with public employees. Therefore, it can be deduced that an informed public is the best protection against unreasonableness from either side. However, the question remains--how can the public develop any responsible consensus regarding the issues if bargaining is cloaked in secrecy and the public is not informed? Clearly, it cannot.

You have posed the questions "How interested is the public in being more involved in negotiations? What is the public? We believe that the questions cannot be answered definitely. However, they will never be answered if the public is not given a mechanism through which its interest can be demonstrated. We would not expect a ground swell of public interest in the vast majority of the multitude of public bargaining situations which take place. But if public

access does exist, the public's interest would probably be demonstrated selectively once the public understands its access points and in those situations where it sees its interests to be at stake. It will be interesting to assess over a period of years the degree of public participation in the area of education negotiations under the sunshine provisions of the new Rodda Act. Some states--for example Florida and Missouri-- have gone much farther by adopting sunshine provisions which require that all negotiating take place in public. These experiences deserve careful scrutiny by legislators.

Regarding the question of accountability, it is obvious that the degree of secrecy in the process will have an inverse relationship to the degree to which public officials, public management and labor leaders can be held accountable for their actions. Secrecy does not promote accountability on anyone's part.

Since the concept of public access to negotiations is a relatively new one, it cannot now be known exactly what effect such access will have on the traditional operation of the process. However, League members believe that if a trade-off has to be made, it should be made in favor of open government rather than total efficiency and total secrecy. Outcomes at the price of openness are probably illusory at best due to the formidable pressures to settle at any cost which secrecy promotes. To opt for the private sector tradition of secrecy over openness would be a denial of the basic assumptions under which our democratic system operates. Such openness is not a rejection of representative government. To the contrary, it enhances representative government by permitting the voters to hold their elected officials more accountable than would otherwise be the case.

I have addressed the need to perceive of public sector labor negotiations as being different from those in the private sector and the need to provide the public with access to the process as being necessary in a representative democratic political system in which various interest groups must have the opportunity to influence the outcomes of public policy. I have described the California League's sunshine provisions of the Rodda Act as a response to these needs. In closing I would comment that at this time the whole issue of public sector employee relations is in a very fluid state. From our perspective it is clear that positions taken and assumptions made as recently as a year ago are now being questioned. The issue of public access can no longer be categorized as bizarre and irrelevant. On the national scene as well as the local more and more attention is being paid to this issue. The outcomes of any particular policy in this area cannot be predicted with certainty. The state of the art is one of considering and evaluating various proposals with the goal of moving in the right direction. We believe this committee is doing that by raising the issues, by promoting a dialogue and by setting the stage for serious consideration of proposals designed to address the need for providing the public with some form of access to the negotiating process. We are convinced that this is a truly significant issue of our time and that its resolution for better or worse will have a profound impact on how our society is governed.

APPENDIX C

This appendix is a sample of the kind of information the California League of Women Voters provide to its local chapters and other local organizations.

Questions and Answers
About the Public Notice Provisions
of the Educational Employment Relations Act
December 1977

I. Why was Article 8, Public Notice included in the EERA?

Public Notice provides the citizens of a school district with access to information about the bargaining issues before bargaining begins.

This differs from the private sector collective bargaining model which is based on secrecy regarding negotiations at all stages.

California government has a history of requiring open meetings at both the state and local levels. (R. M. Brown Act at the local level, Bagley Act at the state level). These laws are based on the premise that a democratic political system can remain healthy only as long as citizens are informed about and privy to the decisionmaking process.

Citizens need to know what decisions are being made so that they can influence them.
Citizens need to know how their elected representatives vote so they can be held accountable.

Educational decisions result from the negotiating process between representatives of employees and employers.

So-called "bread and butter" issues have an impact on educational programs, especially in a time of limited resources. Other issues decided at the bargaining table affect the educational program, i.e. hours of the school day, teacher assignment policies, staffing formulas, evaluation procedures, textbook selection, procedures for curriculum determination.

If the community is to have a voice in influencing these kinds of decisions as is consistent with our history of representative democracy, there must be a mechanism for elected school boards to be influenced by and accountable to their constituents in collective bargaining as well as in other decisions. The California legislature and the Governor accepted the need to inform and involve the public when SB160 was written into law. Article 8, Public Notice, is intended to answer these needs.

II. What does Article 8 require?

The initial proposals of employees and the employer must be pre-

sented at public meetings and must be available to the public.

The public must have a reasonable time to become informed about the issues to be negotiated and to make its wishes known to its elected representatives at a meeting of the school board.

Negotiating cannot legally take place until these requirements have been fulfilled. Once negotiating begins, all matters relating to negotiations are specifically exempt from the R. M. Brown Act and may be conducted in secret if the bargaining parties choose to do so.

New subjects, not included in the initial proposals, which arise during negotiations must be made public within 24 hours along with school board members' vote on such subjects, if a vote is taken.

III. What kinds of policy should local boards of education adopt to implement Article 8?

Local school boards should have a well thought-out policy regarding how Public Notice will be implemented so that all parties--employer, employees and the public--know in advance how and when bargaining will be initiated in their district. The EERB has urged local districts to adopt a policy.

The local policy should result from consultation among the bargaining parties and representatives of the community. It should not be bilaterally negotiated into a contract in a process from which the public is excluded. The policy should be reviewed to determine if it is working effectively and not locked into a contract.

Local policy should reflect the local situation and needs. It should address the issues of:

- Time of presentation of proposals
- Time of public responses
- Time, manner and quantity of distribution of printed copies of proposals
- Manner of 24 hour noticing of new subjects

These issues represent the minimum necessary for legal compliance with Article 8. Many school districts have gone further to inform the public:

- Budgetary and programatic projections of the proposals
- Periodic written negotiating reports signed by both parties
- Citizens negotiating advisory committees
- Meetings and study sessions to secure community input before initial proposals are finalized.

Although professional negotiators are sometimes fearful of modifying the private sector industrial collective bargaining model of total secrecy, procedures which keep the public informed have not been found to be destructive to the bargaining process.

IV. What if the Public Notice requirements are ignored or violated?

In making application for impasse services from the EERB, the parties must describe how Section 8 has been implemented in the district.

The EERB has enacted a complaint procedure. Citizens who believe that the Public Notice requirements have not been met in their district should contact the regional director of EERB, describe their complaint and ask for a copy of the Public Notice complaint procedure. They should read these regulations carefully and if they believe a violation has occured, they should file a complaint within 30 days of the alleged violation or within 30 days from the time it could have reasonably been discovered.

V. How can citizens be effective in responding to the initial proposals and in following the progress of negotiations?

Citizens should insist they be involved in the formulation of the school board's Public Notice policy so that it can reflect citizens' need for information.

Citizen organizations can sponsor meetings at which the parties explain their proposals or later, discuss the progress of negotiations.

Citizens can organize study groups which analyze the proposals, compare them to the last year's contract and prepare a response based on their perception of what is best for the educational program. PTA units, school advisory committees, League of Women Voter units, AAUW units and other education-oriented community groups have organized such study sessions in various districts.

Citizens should become familiar with the existing contract before new proposals are presented for the next round of negotiations. They should be especially alert as to how the "consult" items will be handled in their district since citizens and the school board should be involved in decisions regarding those items: the definition of educational objectives, determination of the content of courses and curriculum and the selection of textbooks.

VI. Collective bargaining in education is complicated enough. Why should the parties be required to deal with the public?

The governance of public education is part of a democratic political system.

Public education depends on good will, understanding and support by the public. It is counterproductive to exclude the public from the decisionmaking process.

Citizens have a right to know about and influence decisions which affect their schools--including those made as a result of collective bargaining.

Parties who use their energy to find ways to inform rather than exclude the public are usually rewarded with greater public support.

LWV Focus on the Bargaining Table #1
League of Women Voters of Cupertino-Sunnyvale
October 5,1976

The Cupertino Education Association and the Board of Education in the Cupertino Union School District are engaged in a negotiations dispute that could result in a teachers' strike. The League of Women Voters of Cupertino-Sunnyvale has not taken a position in this dispute. We are presenting the following information in an attempt to help the community understand the issues.

As a result of a Collective Bargaining Law passed last year, California school boards and the association representing their teachers are required to enter into negotiations for the purpose of reaching agreement on a Master Contract. This law specifies certain areas which must be negotiated: i. e. salaries, transfers, leaves, etc. In addition, if the board and the teachers' association agree, other areas of concern may be included in this Master Contract. Another option provided by the law allows school boards and teachers to include a contract provision for binding arbitration. If binding arbitration is included in the Master Contract, it would apply only to those provisions in that contract.

The CEA presented a Master Contract proposal to the Board of Education last spring. Through negotiations during the summer and early fall, the Board and the CEA have reached tentative agreement on several items. According to representatives from the Board and CEA, the main items that remain in dispute are: (1) the 1976-77 salary schedule: and (2) the issue of binding arbitration. The following is a summary of the positions of both parties in this dispute.

1. SALARY SCHEDULE

Citing financial uncertainties on June 29, 1976, the Board adopted the 1974-75 salary schedule for teachers as an interim measure pending completion of negotiations. No agreement has been reached on the 1976-77 salary schedule. As of October 3rd, the positions of the two parties were as follows:

Board Position	CEA Position
"The present Board position provides that teachers would be paid a dollar amount no less than they received during the 1975-76 school year." (CUSD Board Bulletin No. 3)	The district has ample funds available to reinstate the 1975-76 salary schedule and add a 6% cost of living increase. (Interview with Dorothy Brough, 10/4/76)

II. BINDING ARBITRATION

The new Collective Bargaining Law, which became effective July 1st, allows for the inclusion of binding arbitration if both sides agree. Under binding arbitration, a third party is called in to rule on any disputes of the signed contract. As of October 3rd the positions of the two parties were as follows:

Board Position	CEA Position
"...binding arbitration...must be carefully considered. Any contract should not allow a third party in the form of an arbitrator, through decisions, to remove the legal authority of the Board to govern the school district." (CUSD Board Bulletin No. 3)	"Binding arbitration does not remove any legal authority from the District. It only ensures both parties to the contract that the provisions included will be administered fairly and equitably for all employees. The arbitrator can not change any proviso in the contract. (CEA Campana, Crisis Edition)

LWV-PTA Focus on the Bargaining Table
Bulletin #2
League of Women Voters Cupertino-Sunnyvale - Cupertino Council PTA
October 12, 1976

The Cupertino Education Association and the Board of Education in the Cupertino Union School District have not reached an agreement. Salary and binding arbitration remain as major items in dispute. The League of Women Voters and the Parent-Teacher Association do not take a position in this dispute. We are presenting the following information in an attempt to help the community understand the issues.

FORMAL SALARY PROPOSALS AS OF OCTOBER 11, 1976

Board	CEA
1. Reinstate 1975-76 "pay envelope" retroactive to July 1, 1976, when a salary cut became effective.*	1. Reinstate 1975-76 salary schedule, retroactive to July 1, 1976 when a salary cut became effective.**
2. Grant an increase for additional college credits, using 1975-76 schedule (horizontal/"class" movement on the schedule).	2. Grant an increase for additional college credits, using 1975-76 schedule (horizontal/"class" movement on the schedule).
3. Disallow increase for additional year of experience, using '75-76 schedule (vertical/"step" movement on the salary schedule).	3. Pay teachers for one additional year of experience, using 1975-76 salary schedule (vertical/"step" movement on the salary schedule).
4. Honor the provision of the 85%-15% agreement as it exists now, or as modified during negotiations, to include distribution of the escrowed funds.	4. Abide by the three-year salary agreement of 1974 (85%-15%).

* "Pay envelope" means the same dollar amount as last year.
** Salary schedule includes base pay for 1975-76 plus: Automatic horizontal, or "class" movement for additional educational training of the teacher: and automatic vertical, or "step" movement for years in the classroom.

In addition, each side has voiced the following:

Board	CEA
A. There is no additional money allocated for salaries in the 1976-77 budget.	A. There is additional money for salaries in the 1976-77 budget, if the "padding" in some budget items were to be allocated to teachers' salaries.
B. The 1976-77 budget should not be re-opened. It was approved, in August, using Education Code procedure. Last year, the budget was changed, in November, because errors and omissions caused a fund shortage, which required adjustment in many categories.	B. Last year's budget was re-opened, in November, 1975. It should, then, be possible to re-open this year's budget to satisfy a need for change in negotiations. There are no legal restraints prohibiting the Board from re-arranging their budget.
C. Past budgets have made clear what was included in monies available for salaries. Budgets have been passed out at Board meetings for the total public. The 85-15 agreement of 1974 was based on the General Fund Budget, which included the General Fund, the Community Services Fund, and the State Building Fund. The Cafeteria Fund and Building Fund budgets were filed with the County covering the 1975-76 School years.	C. The CEA rejects the implication that past budgets have been clear. CEA states that the Building Fund has always been included as part of the total budget. The 85-15 agreement should be based on the total budget.

RESOURCE GUIDE: ORGANIZATIONS

American Arbitration Association
140 West 51st Street
New York, NY 10020

American Association of School Administrators
1801 North Moore Street
Arlington, VA 22209

American Association of School
Personnel Administrators
6438 Tanglewood Lane
Seven Hills, OH 44131

American Federation of Teachers
11 Dupont Circle, N.W.
Washington, DC 20036

California Council for the Humanities
in Public Policy
111 New Montgomery, Sixth Floor
San Francisco, CA 94105

The City Club
55 East 43rd Street
New York, NY 10017

Education Law Center, Inc.
605 Broad Street, Suite 800
Newark, NJ 07102
and
One North 13th Street, Suite 1100
Philadelphia, PA 19107

Educational Priorities Panel
95 Madison Avenue
New York, NY 10016

Governor's Commission on Public
Employee Relations
308 North Second Street
Harrisburg, PA 17102

Information Project on
Educational Negotiations
810 Miranda Green
Palo Alto, CA 94306

Interface
95 Madison Avenue
New York, NY 10016

Labor-Management Relations Service
1620 Eye Street, N.W., Suite 616
Washington, DC 20006

Labor Relations Department
New Jersey School Boards Association
383 West State Street, Box 909
Trenton, NJ 08605

League of Women Voters of California
942 Market Street
San Francisco, CA 94102

League of Women Voters of San Diego
3544 30th Street
San Diego, CA 92104

League of Women Voters of the United States
1730 M Street, N.W.
Washington, DC 20036

National Association of State Boards of Education
1860 Lincoln Street
810 Lincoln Tower
Denver, CO 80203

National Committee for Citizens in Education
Wilde Lake Village Green, Suite 410
Columbia, MD 21044

National Congress of Parents and Teachers
700 North Rush Street
Chicago, IL 60611

National Civil Service League
1825 K Street, N.W.
Washington, DC 20006

National Education Association
1201 16th Street, N.W.
Washington, DC 20036

National School Boards Association
1055 Thomas Jefferson Street, N.W.
Washington, DC 20007

New World Foundation
100 East 85th Street
New York, NY 10028

New York Board of Education
Office of Labor Relations and
Collective Bargaining
110 Livingston Street
Brooklyn, NY 11201

New York Congress of
Parents & Teachers Association
11 North Pearl Street
Albany, NY 12207

Palo Alto Council of PTAs
Collective Bargaining Committee
25 Churchill Avenue
Palo Alto, CA 94306

Parents Union for Public Schools
in Philadelphia, Inc.
401 North Broad Street, Room 1006
Philadelphia, PA 19108

Pennsylvania School Boards Association
412 North Second Street
Harrisburg, PA 17101

Public Education Association
20 West 40th Street
New York, NY 10018

Public Employment Relations Board
923 - 12th Street, Suite 201
Sacramento, CA 95814

Rosenberg Foundation
210 Post Street
San Francisco, CA 94108

United Parents Association of
New York City, Inc.
15 East 26th Street
New York, NY 10016

RESOURCE GUIDE: BOOKS AND ARTICLES

Aberdorfer, J. "A Balance of Interests: Community Control and Personnel Practices." Urban Review 5 (September 1971):11-19.

Alsworth, Philip L., and Woock, Roger R. "Ocean Hill - Brownsville: Urban Conflict and the Schools." Urban Education 4 (April 1969).

American Association of School Administrators. AASA Model Public Employee Collective Bargaining Law. Arlington, VA.: American Association of School Administrators. 1976.

Association of the Bar of the City of New York, The Committee on Municipal Affairs and the Committee on Labor and Social Security Administration. "The New York City School Decentralization Law and its Effect on Collective Bargaining." N.Y., May 1972.

Baird, Robert W., and Landon, John H. "Teacher Salaries and School Decentralization." Education and Urban Society 4 (February 1972).

Bakalis, Michael J. "Collective Negotiations in the Absence of Legislation." Compact 6 (June 1972).

Bard, Bernard, "Albert Shanker, A Portrait in Power." Phi Delta Kappan 56 (March 1975):466-472.

Bard, Bernard, "Is Decentralization Working?" Phi Delta Kappan 54 (1972):238-243.

Bates, J. C. "The Scope of Collective Bargaining in Public Education under the Pennsylvania Public Employees Relations Act." Duquesne Law Review 14 (Spring 1972):427-73.

Battle, Alice H. "Citizen Participation in Schools' Collective Bargaining: An Affirmative Argument." Available through the Institute for Responsive Education Clearinghouse.

Berman, Jackie. "The California Experience in Collective Bargaining." Citizen Action in Education 4 (September 1977):11.

Boyd, William L. "The Public, The Professionals, and Educational Policy-Making: Who Governs." Paper presented at the American Educational Research Association Annual Meeting, Washington, D.C., 2 April 1975.

Cheng, Charles W. Altering Collective Bargaining: Citizen Participation in Educational Decision Making. New York: Praeger, 1976.

Cheng, Charles W. "Community Participation in Teacher Collective Bargaining: Problems and Prospects." Harvard Educational Review 46 (May 1976):153-174.

Cheng, C. W. "Minority Parents and Teachers' Collective Bargaining." Integrateducation 90 (November-December 1977):112-15.

Cramer, Jerome. "When It Comes to Confronting Striking Teachers, School Boards are Getting Tougher than Ever." The American School Board Journal 164 (January 1977):23-25.

Cresswell, Anthony M., and Simpson, Daniel. "Impact of Collective Bargaining on School Governance: The Case in a Suburban School System." Paper presented at the American Educational Research Association Annual Meeting, San Francisco, April 1976.

Chrispeels, Janet, and Green, Marjorie. "The Public and Collective Bargaining in San Diego." Citizen Action in Education 4 (September 1977):8.

Daugherty, Lou. "How to Get Parents Involved Painlessly." American Secondary Education 7 (March 1977):23-25.

Davies, Don. "Collective Bargaining and Education--What's the Connection?" Talk given at the League of Women Voters of California, Collective Bargaining in Education Conference, 14 March 1976.

Davies, Don. "The Emerging Third Force in Education." Inequality in Education 15 (November 1973):5.

Davies, Don; Stanton, J.; Classy, M.; Zerchykov, R.; and Powers, B. Sharing the Power? A Report of the Status of School Councils in the 1970's. Boston: Institute for Responsive Education, 1978.

DiRocco, Anthony P. "To Succeed at Bargaining, Learn the Language of the Teacher." The American School Board Journal 164 (January 1977):36-38.

Doherty, Robert E. Public Sector Bargaining: Can Fair Treatment be Reconciled with Efficiency and Accountability? Ithaca, NY: Cornell University, New York State School of Industrial and Labor Relations, September 1975.

Economic Development Council of New York City, Inc. "New York City's Public Sector Collective Bargaining," June 1, 1973.

Educational Research Service, Inc. Contingency Planning for Teacher Strikes. Arlington, VA.: Educational Research Service, Inc., 1976.

Evans, Max W.; Knox, Donald M.; and Weiderman, Charles F. Trends in Collective Bargaining in Public Education. A study of the Negotiations Committee, American Association of School Personal Administrators. Seven Hills, OH: American Association of School Personnel Administrators, 1978.

Fantini, Mario. What's Best for Children: Resolving the Power Struggle Between Parents and Teachers. New York: Anchor/Doubleday, 1974.

Fantini, Mario; Gittell, Marilyn; and Magat, Richard. Community Control and the Urban School. New York: Praeger, 1970.

Fernandez, Happy. Parents Organizing to Improve the Schools. Columbia, MO.: National Committee for Citizens in Education, 1976.

Gifford, Bernard. Policy Paper No. 4: The Impact of the 1975-1977 UFT-Board of Education Contract on Class Size, Maximum Pupil-Teacher Ratios and the 1975-1976 Allocation Formulae, September 19, 1975.

Gittell, Marilyn. "The Balance of Power and the Community School." In Community Control of Schools, edited by Henry M. Levin. Washington, D.C.: The Brookings Institution, 1970.

Gittell, Marilyn. Critique of the Citizen Participation Movement in Education. New York: Brooklyn College, 1976.

Gittell, Marilyn. "Professionalism and Public Participation in Educational Policy Making: New York City, a Case Study." In The Politics of Urban Education, edited by M. Gittell and A. G. Hevesi. New York: Praeger Publishers, 1970.

Gittell, Marilyn. "Teacher Power and Its Implications for Urban Education." Theory into Practice 7 (April 1968):80-82.

Gotbaum, Victor. "Collective Bargaining and the Union Leader." In Public Workers and Public Unions, pp. 77-88. Edited by Sam Zagoria. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972.

Hamer, Irving, Jr. Putting the Public back into Public Education. Paper presented at the 20th Annual Spring Conference of the Pennsylvania Association of School Administrators. Pocono Manor, PA, 1-3 May 1977.

Haskins, Kenneth W. and Cheng, Charles W. "Community Participation and Teacher Bargaining: A Clash of Interests?" Journal of Education 158 (August 1976): 48-69.

Hentoff, Nat. "Remember Big Al Shanker? Where has all the Power Gone?" The Village Voice, 11 January 1977.

Hinman, F. Collective Bargaining in California Public Education: SB-160, The Rodda Act. Los Angeles, Calif.: Institute of Industrial Relations, University of California, 1975.

Hixson, Richard A. A Position Paper: American Federation of Teachers. Speech given at the Collective Negotiations Education Workshop, University of Toledo, 2 August 1968. ED 024 372.

Horton, Raymond D. "Arbitration, Arbitrators, and the Public Interest." Industrial and Labor Relations Review 28 (1975):497-507.

Horton, Raymond D. Municipal Labor Relations in New York City: Lessons of the Lindsay-Wagner Years. New York: Praeger, 1972.

Horton, Raymond D. Negotiation Notes Numbers 1,2, 3,4,5,6, and 7. New York: Board of Education, August 1975.

Horton, Raymond D. Reforming the Municipal Labor Relations Process in New York City. State Charter Revision Commission for New York City, January 1975.

Horton, Raymond D. "Theory and Empirical Analysis of Multilateral Collective Bargaining in City Government," Industrial and Labor Relations Review (July 1974).

Information Project on Educational Negotiations (IPEN) of the Institute for Responsive Education. You, the Schools and Collective Bargaining: A Handbook for California Citizens. Palo Alto, CA: IPEN, 1978.

Institute for Contemporary Studies. Public Employee Unions: A Study of the Crisis in Public Sector Labor Relations, edited by A. Lawrence Chickering. San Francisco: Institute for Contemporary Studies, 1976.

*Institute for Responsive Education. Citizen Action in Education 4 (September 1977).

Jones, Philip G. "A Suit to Suit Them?" The American School Board Journal 162 (April 1975):20-25.

Jones, Philip G. "Should the Public Join You and Your Teachers at the Bargaining Table?" American School Board Journal 169 (September 1975):27-31.

Jones, Ralph T. Public Sector Labor Relations: An Evaluation of Policy Related Research. Belmont, MA.: Contract Research Corp., 1975.

Kettering Foundation. The Adolescent, Other Citizens, and Their High Schools: The Report of Task Force '74. New York: McGraw-Hill, 1975.

Kilgras, D. "Administration as an Advisory Role: Bargaining-Collective Negotiations." Oregon School Study Bulletin 16 (April 1973).

Klaus, Ida. "The Evolution of a Collective Bargaining Relationship in Public Education: New York City's Changing Seven-Year History." Michigan Law Review 67 (March 1969):1033-1066.

Knapp, A.S., ed. Labor Relations in the Public Sector. Chicago: American Bar Association and the Section of Labor Relations Law, 1977.

Kochan, Thomas P. "A Theory of Multilateral Collective Bargaining in City Government." Industrial and Labor Relations Review 27 (July 1974):525-542.

Krinsky, Edward B. "Public Access to Public Sector Collective Bargaining in Wisconsin." Paper presented at a Symposium of the Wisconsin Center for Public Policy, Madison, Wis., 21 April 1977.

Kuykendall, Crystal. Developing Leadership for Parent/Citizen Groups. Columbia, MD.: National Committee for Citizens in Education, 1976.

Levin, Henry M., ed. Community Control of Schools. Washington, D.C.: The Brookings Institution, 1970.

Lieberman, Myron, and Moscow, Michael H. Collective Negotiations for Teachers. Chicago: Rand McNally, 1966.

Lippmann, Walter. Essays in the Public Philosophy. New York: The New American Library, Inc., 1955. (esp. chapter 4, "The Public Interest").

Liston, Robert A. The Limits of Defiance: Strikes, Rights and Government. New York: Franklin-Watts, Inc., 1971.

Livingston, Frederick. "Collective Bargaining and the School Board." In Public Workers and Public Unions, pp. 63-76. Edited by Sam Zagoria. Englewood Cliffs, NJ: Prentice-Hall, Inc., 1972.

Lyke, Robert F. "Representation and Urban School Boards." In Community Control of Schools, Edited by Henry M. Levin. Washington, D.C.: The Brookings Institution, 1970.

McCutcheon, Aubrey V., Jr. "Parent Involvement in Collective Bargaining." September, 1976. Available through the Institute for Responsive Education Clearinghouse.

McDonnell, L. Teacher Collective Bargaining and School Governance. Santa Monica, Calif.: RAND Corporation, 1976.

McLennon, Kenneth, and Moscow, Michael H. "Public Education." In Emerging Sectors of Collective Bargaining, edited by Seymour L. Wolfbein. Braintree, Mass.: D. H. Mark Publishing Co., 1970.

Magruder, Donald. Bargaining in Public: Help or Hindrance? Special Report by the Labor-Management Relations Service of the National League of Cities, 1976.

Marburger, Carl. Who Controls the Schools? Columbia, MD.: National Committee for Citizens in Education, 1978.

Meltzer, John H. What Every School Board Member Should Know About Collective Bargaining. Trenton, NJ: New Jersey School Board Association, 1975. ED 024 110.

Mitchell, D.E. "The Impact of Collective Bargaining on Public and Client Interests in Education." Riverside, Calif.: University of California, 1975. (mimeographed).

Moore, Connie; Krueger, Jack P.; and Caligori, Joseph. Negotiations Bibliography. Kansas City: University of Missouri Press, 1975.

Moscow, Michael A. Teachers and Unions. Philadelphia, PA.: University of Pennsylvania, 1966.

Moscow, Michael, and McLennon, Kenneth, "Teacher Negotiations and School Decentralization." In Community Control of Schools, edited by Henry M. Levin. Washington, DC.: The Brookings Institution, 1970.

Munsell, Anne. "The Current Status of Public Employee Collective Bargaining in the Massachusetts State Legislature: How it Affects Teacher Unions and the Schools." Ph.D. dissertation, Boston University, May 1977.

Myers, Charles A. "Voluntary Arbitration of Disputes Over New Labor Contracts." Sloan Management Review 18 (Fall 1976):73-79.

Myers, Donald A. Teacher Power - Professionalism and Collective Bargaining. Lexington, MA.: Lexington Books, D.C. Heath and Co., 1973.

National Center for Education Statistics. The Condition of Education: Statistical Report. 1978 ed. Washington, DC.: Government Printing Office, 1978.

National Committee for Citizens in Education. Collective Bargaining and Teacher Strikes. Columbia, MD.: National Committee for Citizens in Education, 1978.

National Committee for Citizens in Education. Public Testimony on Public Schools. Berkeley: McCutchan Publishing Corp., 1975.

National Education Association Research Division. State Negotiation Statutes Covering Teachers Enacted Through September 1974. Prepared for the Coalition of American Public Employees. Washington, DC.: National Education Association, 1974.

National PTA. The Role of Collective Bargaining in Public Education. Chicago, Ill.: National PTA, 1978.

National School Boards Association. The American School Board Journal 163 (September 1976).

National School Boards Association. 1975 Survey of Boards of Education. Washington, DC.: National School Boards Association, 1975.

National School Public Relations Association. Linking Schools and the Community. Arlington, VA.: National School Public Relations Association, 1977.

Neal, Richard G. "The Impact of Collective Bargaining on Education." Compact 6 (June 1972): 9-12.

New Jersey School Boards Association. Negotiation News and School Law Reporter 3 (May 1977).

New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, by Manly Fleischmann, Chairperson. Report 3, Chapter 12, "New York City--A Special Case."

Nolte, Chester M., ed. Labor Law and Education. Report of the Work Conference on Collective Bargaining, Denver, 1968. Bureau of Educational Research, University of Denver, Col. ED 025 020.

Osborn, Donald. "Professional Negotiations: A Survey of Teacher Attitudes." School and Community 61 (February 1975):27-41.

Pennsylvania Public Sector Bargaining Issues. An Analysis of Testimony Presented to the Governor's Study Commission on Public Employee Relations, by Benjamin R. Jones, Chairman. Harrisburg, PA.: 1978.

Pennsylvania School Board Association, Inc. Report of the PSBA Commission to Strengthen Local Lay Control of the Public Schools. Harrisburg, PA.: Pennsylvania School Boards Association, 1975.

"PSBA Presents View: Governor's Study Commission on Act 195 Begins Hearings." Information Legislative Service (8 April 1977):1.

Perry, Charles R. The Labor Relations Climate and Management Rights in Urban Systems: The Case of Philadelphia. Philadelphia: University of Philadelphia Press, 1974.

Perry, Charles R. and Wilman, Wesley A. The Impact of Negotiations in Public Education: The Evidence from the Schools. Worthington, OH.: Charles A. Jones Publishing Co., 1970.

Peterson, Paul E. School Politics: Chicago Style. Chicago: University of Chicago Press, 1976.

Pierce, L. "Teacher Organizations and Bargaining: Power Imbalance in the Public Sphere." In Public Testimony on Public Schools, Columbia, Maryland: National Committee for Citizens in Education, 1975.

Pisapia, John Ralph. Trilateral Practices and the Public Sector Bargaining. Bloomington, Ind.: Phi Delta Kappan (in press) 1979.

Prasow, P.; Kleingertner, A.; Laye, E.H.; and Howard, S. Scope of Bargaining in the Public Sector: Concepts and Problems. Washington, D.C.: U.S. Department of Labor, 1972.

Preston, Michael B. The Impact of Collective Bargaining on Minorities in the Public Sector: Some Policy Implications. Paper presented at the National Conference of Black Political Scientists, Atlanta, GA., March 1977.

Public Service Research Council. Public Sector Bargaining and Strikes. Vienna, VA.:Public Sector Research Council, 1976.

Raskins, A.H. "Politics Up-Ends the Bargaining Table." In Public Works and Public Relations, edited by Sam Zagoria. Englewood Cliffs, NJ.: Prentice-Hall, Inc., 1972.

Report of the Governor's Study Commission on Public Employee Relations. Recommendations for Legislative and Administrative Change to the Public Sector Collective Bargaining Laws of Pennsylvania. By Benjamin R. Jones, Chairman. Harrisburg, PA.,1978.

Reusswig, J.M. "An Essay on Moving the Monkey: Proposal for Collective Bargaining." Thrust for Educational Leadership 4 (March 1975):10-12.

Ridgely, Robert L. "Collective Bargaining and Community Involvement in Education: The Trouble with Negotiations." Paper presented at Task Force '74, a National Task Force for High School Reform, April 1974.

Ross, Doris. "Collective Bargaining: A Public Education Reality." Journal of Current Social Issues 13 (Summer 1976):33-39.

Ross, Doris. "State Collective Bargaining Laws Affecting Education." In A Legislator's Guide to Collective Bargaining in Education. Denver: Education Commission of the States, 1975.

Sachs, Theodore. "Public Sector Unions and Fiscal Crisis." In Labor Relations in the Public Sector. Edited by A.S. Knapp. Chicago: American Bar Association and the Section of Labor Relations Law, 1977.

Salz, Arthur E. "Formula for Inevitable Conflict: Local Control vs. Professionalism." Phi Delta Kappan 50 (February 1969):332-334.

Sandow, Stuart, and Apker, Wesley, ed. The Politics of Education Challenges to State Board Leadership. Bloomington, Ind.: Phi Delta Kappan, Inc., 1975.

Sarason, Seymour; Cheng, C.; Cowden, C.; Davies, D.; Lorentz, E.M.; Maton, K.; and Repucci, N.D. The Community at the Bargaining Table. Boston: Institute for Responsive Education, 1975.

Saxe, Richard W. "Opinions of Educators About Community Relations." In School-Community Relations, edited by Henry Levin. Berkeley: McCutchen Publishing Corp., 1975.

Schick, Richard P., and Couterier, Jean J. The Public Interest in Government-Labor Relations. Cambridge, MA.: Ballinger, 1977.

Schimmel, David, and Fischer, Louis. The Rights of Parents in the Education of Their Children. Columbia, MD.: National Committee for Citizens in Education, 1977.

Schnadig, Richard. "Public Sector Collective Bargaining in Times of Fiscal Crisis. In Labor Relations in the Public Sector. Edited by A.S. Knapp. Chicago: American Bar Association and the Section of Labor Relations Law, 1977.

Seeley, David. "The Basis for a New Parent-Teacher Relationship in Collective Bargaining." Article prepared for Today's Educator, based on remarks given by Mr. Seeley at a Cornell University conference on "Citizen Participation in the Collective Bargaining Process in Public Education," Ithaca, NY, 2-3 October 1978.

Shaw, Lee C., and Clark, Theodore R., Jr. "The Practical Differences Between Public and Private Sector Collective Bargaining." UCLA Law Review 19 (1971-1972):867-886.

Shoemaker, Edward A. "Act 195 and Collective Negotiations in the Commonwealth of Pennsylvania." Harrisburg, PA.: Pennsylvania State Department of Education, 1971. ED 058 854.

Silbiger, Sara. "The Missing Public--Collective Bargaining in Public Personnel Management." Public Personnel Management (September-October 1975):290-299.

Simpkins, Edward. Problems, Issues, and Techniques in the Resolution of School Disputes. A Report on the Collective Negotiations Institute. Cambridge: Harvard Univeristy Press, 1969. ED 003 582.

Spritzer, Allan D. Public Sector Labor Relations, 1972: Bibliography No. 1. Montgomery: University of Alabama Press, 1972. ED 068 055.

Steinberg, Lois S. Social Science Theory and Research on Participation and Voluntary Associations: A Bibliographic Essay. Boston: Institute for Responsive Education, 1977.

Stookey, Lee. "Community School Board Participation in Educational Collective Bargaining in New York City." Citizen Action in Education 4 (September 1977):5.

Summers, Clyde W. "Public Employee Bargaining: A Political Perspective." Yale Law Journal 83 (1974): 1156-1200.

Summers, Robert. Collective Bargaining and Public Benefit Conferral: A Jurisprudential Critique, Monograph No. 7. Ithaca, NY.: Institute of Public Employment, Cornell University, 1976.

Symposium on Collective Bargaining in the Public Service: A Reappraisal. Public Administration Review (March/April 1972).

Thompson, A. Gray, and Ziemer, Russell H. "Impact of Collective Bargaining on Curriculum-Instruction," National School Boards Association Research Report No. 1975-2.

Usdan, Michael D. "Elementary and Secondary Education." Proceedings of American Academy of Political Science, 31 May 1974. (Reprinted from Governing New York State: The Rockefeller Years).

Usdan, Michael D., and Corin, Joseph M. "A Report to the Urban Coalition: Some Mechanisms to Promote Citizen Participation in Educational Decisionmaking in New York City." New York, September 1968.

Weber, Arnold R. "Academic Negotiations--Alternatives to Collective Bargaining." Paper presented to the 22nd National Conference on Higher Education, Association for Higher Education, Chicago, 6 March 1967. ED 014 122.

Weischadle, David. "Negotiations--A New Try at an Old Art." American Secondary Education 7 (March 1977): 35.

Weitzman, Joan. The Scope of Bargaining in Public Employment. New York: Praeger, 1975.

Wellington, Harry H. and Winter, Ralph K. "Limits of Collective Bargaining in Public Employment." Yale Law Journal 78 (June 1969):1107-1127.

Wellington, Harry H. and Winter, Ralph K. "Structuring Collective Bargaining in Public Employment." Yale Law Journal 79 (April 1970):805-870.

Wellington, Harry H. and Winter, Ralph K. The Unions and the Cities. Washington, D.C.: The Brookings Institution, 1971.

Wirt, F.M., and Kirst, M.W. Political and Social Foundations of Education. Berkeley: McCutchan Publishing Corporation, 1972.

Wolfbein, Seymour L., ed. Emerging Sectors of Collective Bargaining. Braintree, Mass: D. H. Mark Publishing Company, 1970.

Zagoria, Sam, ed. Public Workers and Public Unions. Englewood Cliffs, NJ.: Prentice-Hall, Inc. 1972.

Zeidler, Frank P. The Public as Third Party in Labor-Management Relations, Vol. 1. Englewood Cliffs, NJ.: Public Personnel Association, 1974.

Ziegler, L.H.; Tucker, H.J.; and Wilson, L.A. "How School Control was Wrested from the People." Phi Delta Kappan 58 (March 1977):534-540.

*Note: The entire September 1977 issue of Citizen Action in Education is organized around collective bargaining. It contains the following articles:

Berman, Jackie. "The California Experience in Collective Bargaining."

Cheng, Charles W., and Hollimon, Roberta. "Bargaining Comes to Cupertino: The Community Wants In."

Chrispeels, Janet, and Green, Marjorie. "The Public and Collective Bargaining in San Diego."

Hamer, Irving. "Educational Collective Bargaining: A System Under Pressure."

Stookey, Lee. "Community School Board Participation in Educational Collective Bargaining in New York City."

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